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Trials - Turner

Sept 1894

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A True and Impartial

ACCOUNT

OF

The Arraignment, Tryal, Examination, Confession and Condemnation

OF

Col. Iames Turner

For Breaking open the House of *Francis Tryon* Merchant in *Limestreet LONDON.*

WITH

The several Tryals and Examinations of *John Turner, William Turner, Mary Turner,* and *Ely Turner*, Confederates.

At *Justice-Hall* in the *Old-Bailey*, LOND. the 15. 16. and 19. of *January*, 1663.

Licensed by ROGER L'ESTRANGE.

LONDON,
Printed by *William Godbid* for *Nath. Brook* at the *Angel* in *Cornhill*, and *Henry Marsh* at the *Princes Arms* in *Chancery-lane*. 1663.

ACCOUNT

The TRYAL of *James Turner*, &c.

At JUSTICE-HALL *in the* Old-Baily, London, *the* 15th. *of* Jan. 1663. *in the Afternoon.*

James Turner the Titular Collonel, *William Turner*, *Mary Turner*, and *Ely Turner*, were brought to the Bar.

Clerk of the Peace. James Turner hold up thy hand; which he did. *John Turner* hold up thy hand.

Col. *Turner.* He is not here, but he is hard by, and I will send for him. My Lord, it has been reported he was fled; it was a mistake, he is in *Fleetstreet*, where he has been ever since this business, and thereupon he sent one for him, and then the Court proceeded to some other business. About half an hour after the said *John* came into the Court, and was set among the other Prisoners at the Bar.

Clerk of the Peace. James Turner hold up thy hand, *John Turner* hold up thy hand, *William Turner* hold up thy hand, *Mary Turner* hold up thy hand, *Ely Turner* hold up thy hand; which they all did, and then the said Clerk read their Indictment, which was as followeth:

YOU *stand Indicted in* London *by the Names of* James Turner *late of* London *Gentleman*, John Turner *late of* London *Labourer*, William Turner *late of* London *Labourer*, Mary Turner *late of* London *Spinster*; *otherwise* Mary Turner *the Wife of the said* James Turner, *and* Ely Turner *late of* London *Labourer*; *for that you the said* James Turner, John Turner, *and* William Turner, *the* 7. *day of* January, *in the* 15. *year of the Reign of Our Sovereign Lord* Charles *the Second, by the Grace of God, of* England, Scotland, France, *and* Ireland *King, Defendor of the Faith, about* 10. *of the Clock in the Night time of the same day, with Force and Arms*, &c. *at* London, *that is to say, in the Parish of St.* Dyonis Backchurch, *in the Ward of* Limestreet, London, *aforesaid, in the dwelling-house of one* Francis Tryon *Merchant, there Feloniously and Burglarly, you did break and enter, and him the said* Francis Tryon, *in the Peace of God, and of Our said Sovereign Lord the King, in his Dwelling-house aforesaid, then and there being*

being, and reſting, Felonionſly and Burglarly, did make an Aſſault, and him the ſaid Francis Tryon *in Corporal fear of his Life Felonioufly and Burglarly you did put; and one Pendant Pearl ſet in Gold, and a precious Stone fixed thereto, of the value of* 150 l. *Two pendant Pearls with half Moons, ſeven Diamonds, and eight Rubies fixed to every of them, of the value of* 80 l. *One Topaz and pendant Pearl at the bottom thereof, of the value of* 20 l. *One Emerald Jewel, and five Diamonds of the value of* 150 l. *One Gold Ring and Diamonds ſet therein, of the value of* 300 l. *One other Gold Ring and nine Diamonds fixed in the ſame Ring, called an Agar Ring, of the value of* 5 l. *One Jewel and thirty ſeven Diamonds of the value of* 30 l. *One Gold Chain of the value of* 30 l. *One Gold Ring and nine Diamonds ſet therein, of the value of* 6 l. *Another Gold Ring and a Jacent Stone faſtened therein, and two Diamonds ſet in either of them, of the value of* 3 l. *One other Gold Ring of the value of* 20 s. *One Necklace of Pearl, of the value of* 500 l. *One Knot of Diamonds and pendant Pearls faſtned thereto, of the value of* 300 l. *One Sprigg, and three blew Saphires, nine pendant Pearls, and fifty*

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six Diamonds fastened thereto, of the value of 300 l. *One Gold Ring and thirteen Diamonds set therein, of the value of* 50 l. *One other Gold Ring and Diamonds set therein, of the value of* 50 l. *One Knot and seventy five Diamonds set therein, of the value of* 100 l. *One Necklace, of Pearls containing One hundred seventy two Pearles, of the value of* 11 l. 10 s. *One Necklace of Pearl containing Two hundred seventy six Pearls, of the value of* 18 l. 10 s. *One Jewel and forty six Diamonds set therein, of the value of* 300 l. *One Jewel and fifty three Diamonds set therein, of the value of* 200 l. *One Gold Ring and one Diamond set therein, of the value of* 50 l. *One Locket, and thirty six Diamonds set therein, of the value of* 70 l. *Two Lockets and one Ruby, and twenty Diamonds set in either of them, of the value of* 60 l. *One pendant Pearl set in Gold, and four Diamonds set therein, of the value of* 40 l. *One other Gold Ring, and with one Diamond, of the value of* 35 l. *Six Bracelets set with precious Stones, of the value of* 20 l. *One blew Saphire, twenty four Diamonds, of the value of* 40 l. *One Locket and*

Nine Yellow Diamonds set in Gold, of the value of 20 l. *One Locket and eight Diamonds set therein, of the value of* 8 l. *One Jewel and twelve Diamonds set therein, of the value of* 15 l. *One Gold Ring and Diamond, of the value of* 5 l. *One Jewel and Saphire Ruby and Emerald adjacent, and four Ophirs set therein, of the value of* 12 l. *twelve Scotch pearls, of the value of* 3 l. *sixty two Pearls, of the value of* 12 l. *One Oriental Amithist, six Diamonds set therein, of the value of* 20 l. *Two other Gold Rings, nine Diamonds in either of them, of the value of* 15 l. *One other Gold Ring and thirteen Diamonds set therein, of the value of* 8 l. *One Jewel, and ten Diamonds, and seven Emeralds of the value of* 15. l. *Sixteen gold Rings, and seven Diamonds, in every of them of the value of* 1754 l. *One Bracelet, and thirteen great Rubies set therein, of the value of* 100 l. *Six Two and Twenty shilling peices of Gold, five other peices of Gold called Five shillings six pence a peice, three other peices of Gold of Two shillings nine pence a peice, another peice of Gold of Twenty shillings*

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shillings, two other peices of Gold of five shillings a peice, four Eleven shilling peices of Gold, five peices of French *Gold of Sixteen shillings six pence a peice, and* 1023 l. *in money (particularly named in the said Indictment) of the Goods and Chattels of the said* Francis Tryon, *then and there being found, then and there Feloniously and Burglarly you did steal, take, and carry away. And that you the said* Mary Turner, *and* Ely Turner, *knowing the said* John Turner, *the Felony and Burglarly aforesaid to have committed, the said* John Turner *afterwards, that is to say, the* 8. *day of* January, *in the Fifteenth year aforesaid, at* London *aforesaid, that is to say in the Parish of St.* Andrew Undershaft, *in the Ward of* Aldgate, *feloniously did receive, comfort, and maintain against the Peace of Our said Sovereign Lord the King, his Crown and Dignity.*

How sayest thou *James Turner*, art thou Guilty of the Felony and Burglary whereof thou standest indicted, or not Guilty?

Col. *Turner.*

Col. *Turner*. My Lord, and the honourable Bench, I shall no way be refractory, nor do any thing that doth not become a Gentleman; but I humbly beseech your Honours that you will stand my friend, that I may have Justice, and your Honours opinion.

L. Ch. J. Hide. You are to plead now to your Indictment.

Col. *Turner*. I do not refuse it; my Lord, I beg your Honour to hear me a word---

L. Ch. J. Hide. Plead to the Indictment, then say what you will, till that be done, all you can say will signifie little; we are to receive your Answer to your Plea first, afterwards say what you will, you must now say Guilty or not Guilty.

Turner. I shall not refuse to plead; but I beg my own Goods may be restored to me; my House (my Lord) is locked up, and Children turned out of Doors, and I have nothing to support us.

L. Ch. J. Hide. Are you guilty, or not guilty? You shall have right done you.

Turner. I will take your Honours word for it; I am not guilty.

Clerk. How will you be tryed?

Turner. By God and the Countrey.

Clerk. How sayest thou *John Turner*, art thou guilty of the Felony and Burglary whereof thou standst Indicted, or not guilty? And so *William Turner*, and likewise *Mary Turner*, and *Ely Turner*, as Accessaries: Being demanded the like questions, severally pleaded not Guilty, and put themselves on God and the Countrey to be tryed.

L. Ch. Justice Hide. Now Mr. *Turner* let us know who has seized any thing of yours.

Turner. The Sheriffs, Sir *Richard Ford*, and Sir *Richard Rives*, and they are in possession of my house, I have none but a Child of 7 and 9 at home, and have not a Shirt to Command. It's true the Sheriff Sir *Richard Ford* was so civill Yesterday as to give me some Linnen.

Sir

Sir *Rich. Ford.* I shall give your Lordship an account of this: I suppose (my Lord) we have done nothing but what was customary, a Seizure we have made now, but after we had heard this Gentleman was committed for Felony and Burglary, and that none but Children were in the house (my Lord) we thought it our duty both for his good to secure his Estate if acquitted, and so for the King if convicted, that so the same might not be imbezel'd; and thereupon caused an Inventory to be taken thereof: But (my Lord) we dispossessed none; it is true we have left a Servant or two, for whom we are and must be responsible; what ever they would dispose or had occasion for they had it without contradiction; we offered him that if he had any friend of his own that would undertake them to be forth coming in case he were convict, we would leave them in possession of them, we have made no Seizure; what we have done is according to custome, if we have not done that which your Lordships approve of, we beg your pardon.

L. Ch. J. Hide. We are to look to that which is according to Law, the goods of a man that is accused of Felony (he is but only so yet) he forfeits none of his goods till convict, more than that he is to live upon them during his Tryall; but on the other hand, where a man is accused of Felony, and Indicted for it, it is but prudence and agreeable to Law to take care the goods be not imbezel'd, because if a conviction follow they are forfeited to the King; therefore the Sheriffs have done but what they ought to do, they are not taken from you, what you have occasion for, either for Money (or Goods to turn into Money) for your present supply till your Tryall be over, God forbid but you should have it, and you shall have it, if you have any friend that will undertake the Goods shall be forth coming for the King in case you be convicted, or for your self if acquitted it shall be done; in the mean time what you have occasion for your self, Wife, or Children, God forbid but you should have it; and this is as much as by Justice you ought to claim.

Turner. I submit to your Honour, and I beg of your Honour and the Bench to be of Counsell for me, for though the world looks on me as a Solicitor, it is a mistake my Lord, it is not in Law, I am a stranger to it, it has been only in dealings for moneys,

neys, by purchaſes and the like: But my Lord, I am informed your Lordſhip may reſtore me theſe Goods without Security; if the Law directs Security, I am ready to give it.

L. Ch. Juſt. Bridgm. For that that you may not miſtake the Law, it is very true, the words of the Statute of *Richard* the 3*d.* ſayes a mans Goods ſhall not be Seized before Indicted; you muſt underſtand the difference of the Law, that has made the miſtake, it was then good but not now, then a mans courſe was to Indict them and Proceſſe againſt them before committed, but now it is altered, for when it remained indifferent whether Guilty or not Guilty, he was to be maintained out of his Goods, ſo ought you and your Family, for the Town being anſwerable for the Goods of ſuch a Felon, that they might not be amerced, in ſuch caſes ſufficient Sureties were given, the Statute of *Philip* and *Mary*, that gives the power of commitment by Juſtices of Peace; and ſo now it is quite altered, and though they cannot ſeize the Goods, yet they being reſponſible for them, they ought to have good Security.

Sir *Rich. Ford.* I do aſſure your Lordſhips that from the very firſt hour we put our people into the houſe none of his Family there then or now have been denyed any thing in the houſe; if I be not miſinformed that very night that he was committed there was conveyed out of his houſe for his uſe and his occaſions ſome ſay 200 *l.* they that ſay leaſt ſay 100 *l.* they have had a free Diſpoſal of what was in the houſe, and then my Lord could we do leſſe then what we have done?

Turner. I would have made a ſhort buſineſſe of this, I tendred Security of 5000 *l.* to their own content, they excepted of the perſons, but one ſtanding by, ſaid by no means, and ſo it is ſtill undone: If you pleaſe I have Security now.

L. Ch. J. Hide. There needs not much a-doe for Security; if your Tryall was not to be preſently, then there were cauſe for you to inſiſt on this, but now there is but one night, if you want any thing for this night, the Sheriffs here offer you what you will, to morrow will determine the Queſtion, whether theſe Goods are yours, or no.

Turner. I will ſubmit to the Court, I wil not be refractory; here is Security if you pleaſe, if not, I am content.

L. C. Just. Hide. If you want any thing, either money or Cloaths, or any thing else, you may have them.

Turner. My Lord, the greatest thing will be some writings and papers which will concern me at my Tryall to clear me then.

L. Ch. J. Hide. Do this, nominate one person, the Sheriff another to go with him, and what writings you will have brought they shall take a note of them and bring them to you.

Turner. I have divers writings of Gentlemens Estates, Bonds and things in my hands, and the papers are amongst them, and I do beg I may with the Keeper go my self now.

L. Ch. J. Hide. I cannot, nor the Court give you leave, you stand Indicted for Felony and Burglary.

Turner. Let my Sons go, my Lord.

L. Ch. J. They are Indicted too, and are not Bailable, if Mr. Sheriff (who is answerable for you) will send any with them he may.

Sir *Rich. Ford.* I shall be willing to serve you (Gentlemen) so far my self, if your Lordship will spare me from further Service here to go with such person as he shall appoint.

L. Ch. J. We leave that to Mr. Sheriffs Civility, we can give no rule for it.

Turner. I may be cut off of my life, if I want my papers.

L. Ch. J. Bridgman. Doth your life depend upon this Evidence in matter of fact?

Turner. My Lord, I have been so strangely handled in this businesse, I know not where it depends.

Sir *Rich. Ford.* If he will say in what Trunk or Chest they are in they shal be brought to the Court. [Thereupon Mr. *Turner* offered to send a Pillowbeer, and the Sheriff said he should have the writings.]

L. Ch. J. Hide. Provide your self for to morrow Mr. *Turner*, we will then go on.

Turner. I have an humble request to your Honours and Honourable Bench, I would beg an Order to bring in some Witnesses who are Mr. *Tryan's* friends now, though mine lately;

divers

divers would come in, but send me word they dare not, except they are Summoned by an Order of your Lordships.

L. Ch. J. We will help what the Law will do, but this cannot be done, those that will come in voluntarily may, the Law will not admit us to Summon any Witnesses; you see when any come against the King, we cannot put them to their Oaths, much lesse can we precept them to come.

Turner. Pray my Lord let some of the Sheriffs Officers, wish them to come, not from the Bench.

L. Ch. J. We cannot direct any thing in't.

Turner. I desire the Party himself may be here.

L. Ch. J. We cannot compell him.

Turner. Then I have no Witnesse in the world; this is a sad thing, that the Persecutor being able will not come; I hope you will advise him to come.

L. Ch. J. The Law is open, the same to every man, you shall have that that is due to any man, you cannot have more, and lesse you shall not have, if he be bound we will call him.

Turner. What if he will forfeit his Recognizance.

L. Ch. J. We cannot help that, but we think you need not fear his not coming, he intends to be here.

And afterwards the Prisoners were conveyed back to the Goal.

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16. January in the Morning.

The Court being set, and Proclamation made, the Jury was call'd,

viz.

William Bookey.	*Tho. Hickson.*
Tho. Seawell.	*John Andrews.*
Will. Allin.	*John Jacob.*
John Port.	*David Bolger.*
Francis Coles.	*Hen. Hagut.*
Robert Masters.	*Lewis Tayte.*

Who severally answered to their Names.

Clerk.

Clerk. Set up *James Turner*, *John Turner*, *William Turner*, *Mary Turner*, and *Ely Turner*. [Who (with some Felons) were accordingly set to the Bar.] You, the Prisoners that were last called to the Bar, those men that you shall hear called and personally appear, must passe between our Soveraign Lord the King and you for your several lives and deaths. If you or any of you will Challenge them or any of them, you must challenge them when they come to the Book to be sworn, before they be sworn.

Silence Commanded twice.

Clerk. *William Bookey*, Look upon the Prisoner: You shall well and truely try, and true deliverance make between our Soveraign Lord the King, and the Prisoners at the Bar, whom you shall have in Charge according to your Evidence: So help you God. And so all the rest were sworn, save only *Lewis Tayte*, against whom he excepted, there being some little difference at present between them; but my Lord Chief Justices told him he need not give any reason for it, he was free to except any without cause. Thereupon Capt. *Edward Micoe* was sworn in his roome. Count these, Cryer.

William Bookey, &c. twelve good men and true, stand together and hear your Evidence.

Clerk. Cryer, make Proclamation. O Yes! If any man can inform my Lords the King's Justices, the King's Serjeant, or the King's Attorney, before this Inquest be taken between our Soveraign Lord the King, and the Prisoners at the Bar, let them come forth and they shall be heard, for now the Prisoners stand at the Bar upon their deliverance; and all others bound by Recognisance to give Evidence against any the Prisoners at the Bar, come forth and give evidence, or else you will forfeit your Recognisances.

Clerk. Cryer, Call *Francis Tryan*, *William Hill*, *Fred. Ixam*, *John Garret*, *Jacob Watcher*, *Eliz. Fry*, *Ann Ball*, *John Gurney*, *Francis Millington*, *John Alsop*, *Peter Culley*, *Ralph Tasker*, *William Dawes*, *John Rouse*, *Richard Roberts*, *Nath. Clarke*, *Robert Cole*, *Edward Cole*. They all came into the Court.

Clerk.

Clerk. *James Turner* hold up thy hand; and so the rest.

Here the Indictment was read again; Upon this Indictment they have been Arraigned, and thereunto have severally pleaded Not Guilty, and for their Tryalls have put themselves upon God and the Countrey, which Countrey you are: Your charge is to inquire whether the said *James*, *John*, and *William Turner*, or any of them, be guilty of this Felony and Burglary in manner and form as they stand Indicted, or not guilty; and whether the said *Mary* and *Ely Turner*, are guilty of the Felony as Accessaries to the said *John*. If you find them guilty, you shall enquire what Goods and Chattels, Lands and Tenements, they or any of them had at the time of the Commiting this Felony and Burglary, or at any time since; if you find them not guilty, you shall inquire if they fled for it, if you find that they did fly for it, you shall inquire, *&c.* as if you had found them guilty. If you find them not guilty, and that they did not fly for it, say so and no more; and hear your Evidence.

But if you acquit *James*, *John*, and *William Turner* of the Felony and Burglary, then you shall not inquire after *Mary* and *Ely* as Accessaries.

Sir *Thomas Aleyn* sworn. The Evidence that you shall give, *&c.*

L. Ch. J. Hide. Pray Sir *Thomas Aleyn* tell your knowledge to the Jury.

Sir T. A. May it please your Lordships, and you Gentlemen of the Jury; Upon Friday morning last was seven-night, I heard of this Robbery at *Guild Hall*, and the person robbed being my acquaintance, I went to visit him in the afternoon, and coming there, not thinking but the business had been already examined, several persons with Mr. *Francis Tryan* put me upon the business to examin it; I went and examined the two Servants, the Man and the Maid; upon their examination I found they had supped abroad at a Dancing-School, and had been at Cards and came home afterwards; but before they came home, they heard that an ancient Gentleman one Mr. *Tryan* was robb'd, and then they hastened home: I examined them further, whether they used to go abroad after their Master was

in

in bed; the Man confeſſed he had been abroad twenty or thirty times at Coll. *Turner*'s Houſe at Supper about a year ſince; the Maid denied they had been there at all; but it is true the mans ſaying he ſupp'd there (though it was falſe) was the firſt occaſion of ſuſpicion of Coll. *Turner*. When I had examined theſe two, I went to the Examination of *Turner*, where he was all that day, where at night? he told me, at ſeveral places and Taverns, and in bed at nine of the Clock, and was called out of his bed; but having my ſelf ſome ſuſpicion of him, I wiſhed him to withdraw; I told Mr. *Tryan* that I beleeved if he was not the Theif, he knew where the things were; the old Gentleman ſaid he could not miſtruſt him, he had put a great Confidence in him; but I deſired him to give me leave to Charge him with it, and thereupon I called him in, but he denied it, but not as a perſon of his Spirit, which gave me ſome cauſe of further ſuſpicion: I deſired to ſearch his houſe, nay, told him I would whether he would or no; he deſired to go home, I told him if he would go with them (ſome perſons there) he ſhould, but you ſhall not ſpeak with your Sons, or Daughters, or Servants, they ſhall be examined by me; they ſearched his houſe, the Marſhall and Conſtable, they ſaid they could find nothing. The old Gentleman was very unwilling to charge him with Felony, ſome friends there were as well ſatisfied as I was that he was Guilty of it, and they brought me a Paper that he would charge him, and thereupon I wiſhed him to read that Paper, told him I could do no leſſe then ſend him to *Newgate*: Sayes he, you will not undoe a Family, will you, will you not take bail? No I cannot. What proof have you material againſt me? I will give you as good bail as any man, give me leave to ſpeak with Mr. *Tryan*. I did give him leave; he had no ſooner ſpoke with him but Mr. *Tryan* would not charge him, he promiſing to indevour to find the Thief. I took Mr. *Turner* on one ſide, and told him, I did as verily beleive if he was not the Thief he could find him out, as I beleived I ſhould go home to my Wife and Children; and I ſaid that if an Angel from heaven ſhould come and tell me otherwiſe, I could hardly beleive it; This paſſed on this night, I could not ſleep all the night, till it

was

was in my thoughts that this man was the man that had done the Robbery; next morning after 9. there came a Gentleman to me, a person of quality, a Merchant; if your Lordship desires, I shall name him.

L. Ch. J. Pray name him.

Sir *T. A.* It was Alderman *Love*, my Lord; he told me that he thought I was a friend to Justice, if I would go presently into the *Minories* my self, I might discover the person that robb'd Mr. *Tryan*, if I staid or sent others, the Birds would be flown, Mr. *Turner* has this morning removed several hundred pounds; I went presently with a Footboy, when I came to *Bishopsgate*, meeting with Major *Tucker*, knowing not whether I went without the Liberties, said I to him, Are you in hast? Pray go along with me, and he went with me.

This Gentleman, Alderman *Love*, told me, I should meet with a Maid Servant of his that knew me though I knew not her, she will meet you at such a Corner, and go with you: when I came without *Algate* I met with two Maids that were the persons to shew me the place, the Maid told me these were the Maids, I bid them come behind me, at the further end of all the *Minories* I went into a shop, and found Col. *Turner* with his hands in a Chest, I charged him to take nothing out, and not to stir himself, there was two Wallets; one of an 100 *l.* the other 200 *l.* I took the Keys from him, laid them upon the Compter; I went with him into the next room, which was the Kitchin, and in another Chest was two Wallets more, and now the Gentleman was speechless; I told him it was just as I told him the last night, that your Roguery would come out; what (said I.) is become of the rest of the money? sayes he, your hast will spoil all; I called in the Maid to examine her, but she was fearful, and so trembled there was no examining her before Col. *Turner*: But in conclusion, said I, Col. *Turner* if you will tell me whether this be Mr. *Tryan's* money, I will do you all the favour I can; sayes he, I cannot say it is his money; I called for a Constable, and made a *Mittimus* to send him to *Newgate*, thinking he would discover the Truth; said I,

will you give me your Examination? he did, it is in Court; I asked him whence this money came? he told me it was removed by himself, his Wife and Children, this morning.

Turner. My Son and I, I told you.

Sir *T. A.* I asked him where he had received it; he told me at a Goldsmiths 14. dayes since, he did not remember his name; I asked why he should remove his own money, his answer was, he did remove it for 2, or 3, dayes, till this foolery was over.

When I saw I could get nothing further from him, I discoursed with him touching the remainder of the money and the Jewels; sayes he, Sir *Thomas*, do not trouble your self, you will lose the Jewels and the rest of the money by this course; and sayes he, I am now in pursuit of them; if you will give me leave to go to the old Gentleman, I know all will be well. I was not content to let him go; but presently we called a *Hackney Coach*, and my self, and him, and Major *Tasker* went, and carried that money to Mr. *Tryan*; when we came there, I told Mr. *Tryan* I thought we had brought 500 *l.* of his money, and I did not doubt but I had brought a person that could tell of the rest of his money and jewels. Col. *Turner* desired to speak with Mr. *Tryan* himself in private; I gave him leave; he calls me a little after, Sir (sayes he) Mr. *Tryan* and I am agreed; I must have this money delivered to me again; I have assured him he shall have all his money and jewels again by Three of the Clock this Afternoon. I told him I could not agree that he should have the money back again, prest him that he would stay there, and send for the rest of the money and jewells: but he would (if I did not) trust him; Mr. *Tryan* would have the rest of his money and all his jewels again.

Turner. I said I would endevour it.

Sir *T. A.* If he had said he would have endevoured it, I would not have parted with him, but he said he should have the money and jewels, *&c.* I told him I would meet him at that time at Mr. *Tryan's*. Then I took Mr. *Tryan*, and said what ever promise you have made in private, you must excuse

my

my assenting to any thing against the Law: but do not tell him of it, lest you lose the Jewels; I must commit him to *Newgate*, and I must bind you to prosecute him: he desired me I would not come so soon as 3, not till 4, or 5, of the Clock, and all would be brought thither; I staid till about 4. In the Interim, I heard some particulars what these Maids would testifie, which testimony had I received before I parted with him, I would not have parted with him for any consideration: But when I came thither in the Afternoon, I heard Col. *Turner* was Arrested, and was then at the *Hoop*-Tavern with the Officers, I sent immediately the Marshal and his men to bring him to me. The Officers and he came, and then Col. *Turner* told me, I had brought all these things, but the Officers prevented me; I was a very unfortunate man; give me but leave till to morrow at 9 of the Clock, and you shall have all. Said I, I have now heard more, and you must produce the money and Jewels, if you expect any favour from me, or I know what to do. He pressed very hard an hour, or almost two, that he might be trusted to go for them; if he did not go, Mr. *Tryan* would lose the rest of his money and jewels; I told him I had rather they should be all lost, then I should forfeit my discretion and reputation. And thus he kept us till 7 or 8 at night; at last he would have gone with one person; I told him no, if there were enough to secure you, I might give leave; saith he, the party will not see more then one, for his Life would be in danger. Whether would you go? I would go, saith he (to my best remembrance) to *Tower-Hill* or *White-Chappel*; I should have met him at 5 of the Clock, and now I must meet him about 9. I will call in the Officers; they will tell you, your being upon a Judgement they will not part with you without the Liberties; nor will I give leave, because the Sheriffs will blame me: The Officers said they could not go without the Liberties, for it would be an Escape in Law; pray give me leave to go neer those places; and I will send; nay, then you may as well send from hence; he begged leave to go to the *Hoop*-Tavern and send for his Wife, which I did grant; and there he did send for his Wife; they brought me

word he had sent his Wife for the Jewels, and the rest of the moneys; he sent to me not to think the time too long, for he had notice his Wife was coming; I directed the Marshal when his Wife came he would secure her. About a 11. of the Clock they brought his Wife, who told me she had delivered the Jewels; they thought they were in two Bags. Then he came to me, and desired to speak with Mr. *Tryan* in private, and told me Mr. *Tryan*'s Soul was pawned to him, and his to the Thief, that no discovery should be made; but then I examined his Wife, what money went from her house that morning? she said she knew of none. Where had you the Jewels? she knew of none, but she had a couple of Bags that she was sent for, neer *Whitechappel* or the *Tower*, a person should meet her, and ask what she did there, and she should say she walked up and down for something that should be given her by a person; which if he did, she was to bring it to him that sent her. He did deliver the two Bags, which she delivered to her husband, but what was in them she knew not. There was Sir *Tho. Chamberlane*, Mr. *Millington*, my self, and Col. *Turner*, with Mr. *Tryan*; the two Bags was laid upon a Dresser; he told us they were now come, and having performed his part, he hoped Mr. *Tryan* would perform his. Have you performed your part? have you brought the Jewels and the remainder of the Money? He told us the money was not brought, for the 600 *l.* I shall give Mr. *Tryan* my Bond, to pay him at 6 Months: we prest to see the Jewels; we run them all over. But I should have told you one thing, she brought a Cats-head-eye-ring upon her Finger; this the Gentleman was like to forget, he delivered it to me to deliver that with the rest. When we had told out the Jewels, we crossed them out upon the printed Paper as they were called; she said all that was in the Paper, except one Carcanet of Diamonds and Jewels valued at 200 *l.* that is fallen behind the Chest, or aside. You have 2000 pounds worth of Jewels over what is in the Paper; but that Carcanet shall be forth coming. He now prest that no prosecution might be, for two Souls were pawned (as I said before) and desired an end of the business. I told him further

and

and preſſed him; ſaid I, I have ſtaid a great while, and would ſtay longer, if he might have the 600 *l.* and the Carcanet: but when I ſaw there was nothing more to be got from him; now (ſaid I) what would you have this poor Gentleman to do for you? what he hath promiſed you I know not, he is a ſtranger to the Law; if there had been but you two had it, and it had not been publiſhed to the world, and the Neighbors pub ique Examination taken, ſomewhat might have been between your ſelves: But would you have this Gentleman bring himſelf into danger? he will loſe all his Goods again, for he will be indicted himſelf; what will he be the better for diſcovery, when he muſt loſe his jewels and money, and be liable to a proſecution as you will be, were he ſo ignorant? Do you think that I underſtand the Law no better, being a Juſtice of Peace, to bring my ſelf into danger; all the kindneſſe I can do for you is, (to be ſhort) I muſt ſend you and your Wife to *Newgate*.

How ſay you, Maſter Alderman? then I had better to have kept the Jewells; thoſe were his Words, to the beſt of my remembrance he ſaid ſo.

My Lord, I asked him ſeveral Queſtions, Why he ſhould give a Bond for Six hundred pounds if he was not concerned in this buſineſſe, but he knew not what to Anſwer; ſaith he, will you not take bail? Said I, I can take no bail, I muſt ſend you to the Common Goal, and then I am diſcharged; pray ſend me to the *Compter*; no, I cannot; do you think I would make an eſcape? I cannot tell; but I will not bring my ſelf into danger; he prayed me I would give him leave to go home. I muſt make my Warrant; If the Marſhal and Conſtable will do any thing, I ſhall not direct them.

He deſired his Wife might go and fetch ſome Linnen.

L. Ch. J. Bridgman. What day were the Jewels delivered?

Sir *T. A.* Saturday.

L. Bridgman. Thurſday was the Robbery, Friday he was Examined, Saturday the Money was removed, and that night the Jewels were brought and he committed.

Sir

Sir *T. A.* If I have said any thing that he is not satisfied, wherein I have not true spoken, let him ask me, I shall not do him the least wrong.

L. Ch. Just. Hide. Do so Mr. *Turner.*

Turner. Do your Honours understand of Sir *Thomas* the time the Robbery was committed? I shall ask him some Questions.

Sir *T. A.* I have only one word more to say to you, that before he went to the *Hoop* Tavern. Nay (said I) Coll. *Turner* be ingenious whether this was not Mr. *Tryan*'s money that he removed, and he confessed it was.

L. Ch. Just. Hide. That money was removed from his own house.

Sir *T. A.* Yes, but his Wife, Children, and Maid, denyed it.

L. Ch. Just. Hide. Mr. *Turner*, will you ask him any Questions? what are they?

Turner. I would ask all this back again, you are upon your Oath, Mr. Alderman.

L. Ch. Just. Hide. You need not tell him that he is Sworn, the Court and Jury understand it so.

L. Bridgman. Go on Mr. *Turner*, ask your Questions.

Turner. My Lord I demand of Sir *Thomas Aleyn*, whether I did not tell him at the first, there was a wicked young man had belyed my house and Family, saying that he supped there that night, when he had not supped at my house these Twelve Moneths.

Sir *T. A.* I think I have done him that right already, he desired me to Examine that young man, who said he supped at Coll. *Turner*'s, but I found he had been nor was not there.

Turner. Upon *Friday* night when the Alderman pressed me concerning the thing I told him, I had some suspition of some persons, who formerly should have robbed Mr. *Tryan* a year agoe, and I employed *Mosely* the Constable and Mr. *Tryan*'s man to go to *Ratcliff*, and I went another way.

Pray

Pray ask Sir *Thomas* whether I did not promise him to do all I could.

Sir *Tho. Aleyn.* I pressed him hard, he said he would endevour it.

Turner. Whether did not I tell him that that money was carryed there on purpose to gain the other Fellowes that had the Jewels. Said I, if this money be taken away, he that hath the Jewels will not bring them, and the remainder of the Money; but that this Money must bring him to it that they might share it.

Sir *T. A.* There was not one word of this, his Examination was contrary; he told me 400 *l.* was received of a Goldsmith, he knew not his name, and 200 *l.* was in his owne house, and that he removed it for two or three dayes till this foolery was over; he said it was his own money, I said an honest man need not thus remove his own money.

One thing I have omitted, when I was examining of him in the *Minories*, word was brought me his Son was fled away at the back dore; I bid them run after him, but they said they saw him leap over a great Ditch; he was not heard of till Yesterday, though I sent out my Warrants for him.

L. Ch. J. Hide. Your self (as Sir *Thomas Aleyn* sweares) said you knew not of whom you had part of the money, but the other was your own, and yet afterwards that the money was *Tryan's*; why did you say so?

Turner. I will tell you the reason, I would not have my business spoiled, and did feign those answers. My Lord, I do demand of him whether Mr. *Tryan* and I had not made a Bargain in the morning, whether or no if he might have his Goods the person should be free, and that he had agreed no blood should be spilt, that he had rather lose all his money and Jewels then to forfeit such an asseveration which the Theif had bound me, that I should swear to him, that by the blood of Jesus Christ that was shed for him and all Sinners, his life should be free.

L. Ch. J. Hide.

L. Ch. J. Hide. You are beside the buſineſſe.

Turner. My Lord, I ask Alderman *Alleyn* whether I did not tell him this.

Sir *T. A.* I told your Lordſhips two ſouls were pawned, as he ſaid before.

L. Ch. J. Hide. Do not ſpend your time thus, the queſtion's ſhort, whether you are Guilty of Robbing, or breaking the houſe of Mr. *Tryan*, or no.

Turner. I am as free as any man here.

L. Ch. J. Hide. They will not beleive your own words.

Sir *T. A.* I think I have done him no wrong by this Evidence.

Turner. I hope, my Lord, I ſhall have the benefit to call him again for a Witneſſe for me.

L. Ch. J. Hide. You may ask him now.

Turner. No, when I come to my defence.

L. Ch. J. Hide. Yes, yes.

Turner. Oh your Honours moſt humble Servant, I am very ſorry I have put him to this trouble.

Mr. *Tryan*, his Servant, and Mr. *Garnet* Sworn.

L. Ch. J. Hide. Mr. *Tryan* pray (as you are able) give an accompt of this buſineſſe.

Tryan. My Lord, about Eleven of the Clock or ſome thing paſt, upon Thurſday night laſt was a Seven-night, two men came into my Chamber when I was faſt aſleep, one on the one ſide, and another on the other ſide of the bed, one had a Lanthorn that opened on one ſide and waked me, when I ſaw him I was much aſtoniſhed (as I might well) knew them not, ſaid, my Maſters, who are you? I was newly out of my ſleep, being an ancient man, I apprehended another man for the party I ſpoke to, but was not the man, and named him by his name, What do you do here at this time a night? What is your buſineſſe? ſaid nothing to me, one took both his

my hands, the other with a little cord bound me very hard, insomuch here yet is the dents of it; and bound my feet, gagg'd me, and used me barbarously, most inhumanly I must suffer it, because I could not tell how to avoid it. When they had done, they told me this withall, you shall not lose a haire of your head; I knew not their intentions, I fear'd what it was, for when they had done this, they left me, I had no body could come to me in my house, my Servants I knew not upon what grounds they were forth at supper when I a bed, which was of ill consequence; after I had been an hour in this manner, I rolled my self out of my bed, and fell down, and saving your Lordships presence, a chamber pot fell, broke, and I fell upon it, and very much hurt my self upon the pieces of the pot, and so with much ado it pleased God, I know not how my self, I got to the chamber window which lay to the Street, I called out Murder and Theives: my Neighbours said, I call'd with so strong a voice they wondred to hear me; quickly after many of my Neighbours came in, and one Mr. *Peter Vanden Ancor* a Dutch man, that selleth Rhenish Wine, he came in and unbound me; and so after I was unbound, I went down to the Ware-house as I was, without cloaths about me, onely my wastecoat and shirt, and saw that they had been there. *I* considered those that had done the thing, were very privy to my house; they knew where to fetch the Key of my Cash, in a drawing box, taking the mony there, which was about one thousand and odd pounds; some plate there was they did not meddle with it.

L. *Ch. J. Hide.* How came they by the Jewels?

Tryon. I forgot something concerning some Jewels, these Jewels were in a drawer under my Table in the Compting-house, he was privy to that, because he did frequent my house very long, and was very familiar.

L. Ch. J. Hide. Who was privy to all this?

Tryon. James Turner.

L. *Ch. J. Hide.* Mr. *Turner*, would you ask Mr. *Tryon* any Questions?

Turner. By and by when I come upon my proof.

William Hill Mr. *Tryon*'s man ſworn.

All that I can ſay is this; when *I* went out I locked the door double, and thoſe things were there then.

L. Ch. J. Hide. About what time?

Hill. Seven or eight of the Clock.

L. Ch. J. Hide. Was he a bed then?

Hill. Yes my Lord; when I came home again, I found all theſe things gone; going down into the Compting-houſe we found ſome Jewels gone and ſome left, and thoſe were inconſiderable to thoſe that were gone; the beſt were cull'd and gone: on Saturday Collonel *Turner* was Arreſted with two Serjeants, and ſent the boy at the Hoop Tavern for me; I took two friends with me, Mr. *Gurney* and Mr. *Pilkinton*, he prayed me to ſpeak to my Maſter that he would give Bond for him that the Serjeants might diſcharge him, and he haſt about his buſineſs, or elſe it would be ſpoyled; proceeding into ſome diſcourſe, *I* was ſaying to him, it was a great providence that *I* and the maid was not then at home, for if we had we ſhould have been killed; he anſwered, ſaith he, no, they would onely have bound you and the maid: *I* asked him how it was poſſible to get in? he anſwered, one went through the Entry in the day time, and there lay till night, went up ſtaires, found a candle, light it, went up to his Chamber, took the Key and went down and let in others.

Turner. This ſtory I was informed *I* told him.

Hill. I asked him how he came to know it, he ſaid he examined them.

L. Bridgman. Did he never tamper with you about making Mr. *Tryon*'s Will?

Hill. Yes my Lord, he came to me about a year ago, I went with him to the *Cock* behind the Exchange, it was in a morning, he took me privately aſide, told me the old Gentleman your Maſter is very ſickly, cannot live long, had a good Eſtate, or to that purpoſe, and it was pity he would never make a Will, and ſuch an Eſtate ſhould go

to

to the Building of *Pauls*; ſaith he, I have preſt him ſeveral times touching making his Will, he ſaid he had done it, when we both knew he had not, and I believe he will not make one. He told of one that could Counterfeit a hand.

L. *Bridgman.* Was it not *Grainger?*

Hill. Yes my Lord, that that man could Counterfeit a Will, and I and Mr. *Garret*, and another good fellow ſhould be the three Executors, and a third perſon Overſeer, and that would pleaſe the old man; I anſwered, I would not have to do in ſuch an unjuſt thing for all the world.

L. Ch. J. Hide. Did you go to *Turners* to Supper that night this Robbery was committed?

Hill. No my Lord, to Mr. *Starkey*'s in *Fanchurch-ſtreet*, the Maid went along with me.

L. *Bridgman.* One queſtion more, you ſaid you came in and found the doors open, did you come in before the Neighbours?

Hill. No my Lord, I had not known of it but that one Gentleman at Supper went home with a Gentlewoman in *Leaden-hall*-ſtreet, and hearing there was ſuch a Robbery in *Lime*-ſtreet, *I* run with a great fright, came in and found the doors open, and found the Neighbours within.

Turner. The thing underſtood touching the Will hath another face; his Uncle was an acquaintance of Mr. *Grainger*, his Uncle that bound him Apprentice that lived in *Cripplegate*, now in *Cornhill*. This *Grainger* had counterfeited a Will touching my Lord *Gerrard*, and ſome body elſe about an Eſtate; ſaid I to this young man, you have an Uncle acquainted with a notable fellow, one *Grainger*, and your Maſter making no Will (ſpeaking merrily) this fellow is able to make it for him. Ask him if I did not tell him his Uncle was acquainted with ſuch a perſon.

Hill. You told me ſo indeed.

L. *Bridgman. Hill*, by the Oath you have taken, did he not perſwade you to endeavour that you and he and *Grainger* ſhould counterfeit a Will.

Grainger ſhould counterfeit a Will.

Hill: He did my Lord ; he told me, That I, Mr. *Garret*, and another good Fellow, ſhould be the three Excecutors, and another perſon Overſeer, and that this *Grainger* could do it undeſernably ; I anſwered him, I would not meddle with it for all the world.

Turner. Go, go, go, this is malice, for it was meer jeſting with him.

Elizabeth Fry ſworn.

Mrs. *Turner* came to my houſe on Saturday morning laſt, at ſix a clock in the morning; ſhe knocked me out of my bed, *I* asked who was there, ſhe ſaid, A Friend; who are you ſaid I ? Come and ſee, ſayes ſhe ; I ſaid, who, Mrs. *Turner* ? ſhe ſaid, yes; I went and dreſſed me, and let her in ; ſhe ſaid, there was a Friend of hers, a Merchant newly broak, he had a Wife, and ſeven or eight children ; they deſired to ſecure the money till they had taken their Oaths the money was not in their houſe. She ſaid, her Husband and her Son *Ely* was coming with it. I went and lighted a Candle, there was ſhe and her Son *Ely* with the money ; ſhe asked me, If I had a ſpare cheſt ; I ſaid, Yes, there was one within ; ſhe went in, opened the Cheſt, and ſhe put in the wallets of money, I know not how much, my Lord. I asked her if there was any more to come, ſhe ſaid, Yes, her Husband was coming with more ; ſhe went to the door and let it in, but I know not who brought that.

Juſtice Bridgman. Did not Mr. *Turner* come in ?

Fry. Yes, my Lord, he opened the bags, and asked his Wife touching the Seals ; She ſaid, the Gentlewoman that owed the money, had deſired me to pull them off. They offered me twenty ſhillings for my kindneſs in it, told me, they had power to give it from the Gentlewoman; deſired me if my ſiſter or any ſhould ask about it, bid me conceal it, becauſe the diſcovery would ruin the poor Gentlewoman

man and her Children, but rather to say, that they desired me to let some linnen lie there.

L. *Ch. J. Hide.* Were the bags sealed?

Fry. I see none sealed.

L. *Bridgman.* How many wallets were in the shop?

Fry. I saw but three, and they put one into a Chest in the shop, and two in the kitchin.

L. *Ch. J. Hide.* At that time when the mony was brought, was there any discourse of a 1100. pound?

Fry. To my best remembrance it was so.

Turner. Not a word of the sum.

Fry. There was five wallets brought into my house, three in the shop, two in the kitching.

L. *Ch. J. Hide.* Had they bags at each end?

Fry. Yes, my Lord?

Sir *T. Aleyn.* You hear what the wench sayes, she sayes, there was five wallets, three in the shop, two in the kitchin; *I* took two in the shop, and only one in the kitchin.

Fry. My Lord, *I* have two apprentices little girles, when all the people were in the shop, said out aloud, that they saw Mrs. *Turner* go out of the shop with something in her Apron, covered with a red cloth, while *I* was above, my Lord.

Turner. Who should convey it away?

L. *Ch. J. Hide.* Your Son was there.

Turner. Pray my Lord, ask her, which is *Ely.*

Fry. That is, pointing to *Ely.*

Turner. It was false, this *Ely* carried none, the Boy knew nothing of it; both my Sons are dear to me, and if either more then the other, it must be my eldest, and yet *I* must say, it was *John* my eldest Son that carried the money, this Boy was at home; She hath forsworn her self.

Fry. Your wife told me that *Ely* was to bring some.

Mr. *Gurnet* sworn.

My Lord, *I* met with Collonel *Turner* on Saturday morning after the Robbery, he told me, sayes he, *I* have been

as

as good as my word, *I* sent my Son to make some discovery of this business, and *I* did not doubt but to clear my self of it, and make a discovery; this was on the *Exchange:* says he, *I* have met with them. With what? with the Jewels and Money. Where are they? *I* have brought five hundred pound, the rest with the Jewels, *I* shall have at three a Clock this Afternoon; Will you be there? Yes said *I*, who were they? they were Friends. Friends, what and use him so barbarously? O says he, they were two strangers, they went beyond their Commission.

Maj. *Ralph Tasker* sworn.

On *Saturday* morning, I met Sr. *Thomas Aleyn*, passing by he called me; says he, there is a business in hand, pray go along with me. We went along through *Algate*, and into the *Minories*, and passing along the *Minories*, these two Maids we overtook, and asked them where the house was; they shewed us; we went in, Mr. *Turner* was there, his hand in the Chest, Sir *Tho. Aleyn* stayed it; we seized the Money; there was two bags of *Buckeram*, I conceived there was two hundred pound in either of them, and another in the Kitchin, Sir *Tho. Allen* desired me to secure them; I saw a Fellow play bo peep in a back-room, and presently was a noise, he was fled and gone; his son they said it was; Sir *Thomas Aleyn* pressed very hard to Mr. *Turner*, and desired to know whose Money that was; Says *Turner*, by the Eternal God it is my own Money, with many other protestations; a Constable was sent for, and we carryed the Money and *Turner* in a Hackney Coach to Mr. *Tryon*, and there left the Money on a Table with Mr. *Tryon*; they had some discourse; *Turner* came forth and said, the Old Gentleman and *I* are agreed, *I* will trust the Money no longer with you, but with the Old Gentleman himself; said *I*, let me be discharged of it, do what you will with it.

L. *Bridgman*. Did you see the Bags out of the Wallets?

Sir *T. Alyen*. We saw one which was sealed *I* think, with the Bishop of *Chichester*'s seal.

Ann

Ann Ball ſworn.

On *Saturday* morning Mrs. *Turner* came to this Maids houſe, and deſired to come in; ſhe ſtept out of Bed, and asked who was there? ſhe ſaid, a Friend; ſhe went to the door and asked who was there? Mrs. *Turner* ſaid, open the door and you ſhall ſee; opening of it, ſhe came in; who is it, Mrs. *Turner*? yes ſays ſhe, what would you have? *I* have a little Money *I* would leave here; this ſhe came and told me; She lighted a Candle, *I* ſaw Mr. *Turner* and his Wife come in, *I* heard a great noiſe and a quarter, *I* lay ſtill, heard not what they ſaid; when they were gone, the Maid told me what they had brought into the houſe; ſaid *I*, *I* thought it had been Pewter; ſaid *I*, if you keep this Money, we ſhall be utterly undone, if you do not tell ſome people of it; ſhe went to her Siſter to make her acquainted with it.

L. Bridgman. You ſaw Mr. *Turner* and his Wife come in?

Ball. I did, but knew not what they did there; ſhe did go to her Siſter, and ſo it came to Sir *Thomas Aleyn* by accident.

L. Bridgman. Now for the Seal, who were thoſe that ſaw the Seal?

Frederick Ixam ſworn.

My Lord and Gentlemen of the Jury, being at the houſe of Mr. *Tryon* on *Saturday* in the Evening, *I* was deſired with others there preſent, to ſee the Bags taken out of the ſeveral Wallets; three *I* think. *I* ſaw then taken out, three had no Seals on, one was very much defaced, and the other had a Seal, which being queſtioned to be the Seal of the Biſhop of *Chicheſter*, it was compared with the Seal of a Letter which Mr. *Tryon* brought down, and declared to be a Letter received from the Biſhop of *Chicheſter*, and thoſe two Seals agreed; the Bags being here in Court will be a further Evidence, the Letter was produced by Mr. *Tryon*, and owned by him to be the Biſhop of *Chicheſters*, and they agreed.

Mr.

Mr. *Hanſon* the Goldſmith ſworn.

The bag ſealed was ſhewn him.

L. Bridgman. Have you ſeen the Letter?

Hanſon. Yes.

L. Bridgman. Doth that Seal and the Seal of the bag agree?

Hanſon. Yes.

L. Bridgman. Mr. *Tryon*, whoſe letter was that?

Mr. *Tryon.* Dr. *Henry Kings* Biſhop of *Chicheſter.*

L. Bridgman. Open the Letter, and ſee whether that be the Letter you received from the Biſhop of *Chicheſter.*

Tryon. Shall *I* read it?

L. Bridgman. No.

Tryon. It is his Hand and Seal.

L. Bridgman. Shew the bag and letter to the Foreman of the Jury; which was done, and moſt of the Jury viewed it.

L. Bridgman. You obſerve this evidence; this was one of the bags that was taken in the *Minories*, that Collonel *Turner* was then removing: Mr. *Tryon* had 600. pounds of the Biſhop of *Chicheſter's* in bags ſealed; it appears by the Letter to be his ſeal, and theſe gentlemen ſware this was one of the bags then pulled out of the wallet, and Sir. *T. A.* has had it in his cuſtody ſince.

L. Ch. J. Hide. One thing more obſerve, he asked his Wife when the mony was brought into this womans houſe, have you taken off the Seals? his Wife ſaid, The Gentlewoman directed her to take them off.

L. Bridgman. Some were taken off, but it ſeems this was left on.

Here Turner *ſpoke ſomewhat to the* Jury.

L. Ch. J. Hide. Pray Mr. *Turner* diſcourſe not with the Jury, your whiſpering will do you little good, though *I* think they are honeſt men, and will not be guided by you, yet we expect the ſame carriage from you, as from other Priſoners; you ſhall have all the juſtice that may be.

Cole

Cole the Serjeant ſworn.

L. *Ch. J. Hide.* Speak your knowledge.

Cole. On *Saturday* in the afternoon about three a Clock, my brother and I arreſted Collonel *Turner* in an Action of ſeven hundred pounds.

L. Ch. J. Hide. At whoſe ſuit?

Cole. At the ſuit of *Thomas Lyon*, who with others was bail for him.

Turner. It was only hearing of this foolery that cauſed it.

Cole. My Lord, we went to the Hoop Tavern, he ſent for *Mr Tryons* man, that he ſhould engage for this account, that he might have his liberty to look after maſter *Tryons* buſineſs; ſoon after came the Conſtable, and he charged us to aſſiſt him to go before Sir *Thomas Aleyn*; by and by *I* was ſaying, Collonel *Turner*, how could this houſe be Rob'd, and none of the doors broke? O ſaid he, I took a man in the *Minories*, who has diſcovered it me; he told me that one going into the Cellar in the Day-time, lay there till night, then went up Stairs, found a Candle and light it, went up to the Old Gentleman's Chamber, took the Key from his bed-ſide, and went down, and let all the reſt of the Thieves in; the young man being there, ſaid, it was well the maid and I was not at home, we ſhould have been killed; no ſayes he, you would not have been killed, only bound.

Turner. As the Fellow told me.

L. Ch. J. Hide. Did he not ſay nothing touching Mr. *Tryons* tooth?

Cole. He ſaid that the Fellow putting his finger in his mouth to gagg him, the Old Gentleman bit him; and he ſtrugling to get out his finger, pul'd out his tooth.

L. Ch. J. Hide. You are very perfect at it *Mr. Turner*, every way.

Turner. I my Lord, *I* examined him every way.

Cole the Yeoman ſworn.

My Lord, *I* can ſay only what my Brother ſaid before. Tell it. *I* arreſted him, *&c.* And ſo related in the ſame manner his Brother did.

L. Bridgman. Mr. Hill, what do you know about breaking your own Desk ?

Hill. My Desk was ſafe locked, and the Key in my Pocket, *I* loſt out of that Desk about fourty five pound of my own.

L. Bridgman. Where did it ſtand ?

Hill. Upon a Table in the Ware-houſe; the Jewels were in a Drawer under the Table in the Counting-houſe.

L. Bridgman. How did you leave Mr. *Tryons* door ?

Hill. Double locked.

L. *Bridgman.* Who had the Key ?

Hill. I had.

L. Bridgman. Was there more then one Key ?

Hill. Alwayes two.

L. *Bridgman.* Who had the other ?

Hill. The other Key was in my Maſters Chamber.

L. *Bridgman. Mr. Tryon*, how was your own door opened?

Tryon. I called ſome of my Neighbours, and *Mr. Vander Anchor* came up to me, it ſeems they had forced open the door with a Crow of *Iron*.

L. *Bridgman.* The door of your Chamber do you mean?

Tryon. No, the Street-door.

L. *Bridgman.* How was your Chamber door opened ?

Tryon. I never lock my Chamber door, but pull it too.

L. *Ch. J. Hide.* Mr. *Hill*, the Counting-houſe where the Jewels were, was that lockt ?

Hill. Yes, and the Drawer *I* think was lockt, ſometimes he does, and ſometimes he does not lock it.

L. Ch. J. *Hide.* Was the Houſe doors open, or no ?

Hill. Before *I* came, the Neighbours had broke open the Door.

L. Ch. J. *Hide. Mr. Tryon*, were your Counting-houſe and Till, where the Jewels lay, lockt ?

Tryon.

Tryon. Ever my Lord.

L. *Ch. J. Hide.* That night?

Tryon. Yes my Lord.

L. *Ch. J. Hide.* Was it opened with a key, or broken open?

Tryon. I know not how it was opened, my key was among a bunch of keys.

Peter Vanden Ancor sworn.

L. *Bridgman.* When *Mr. Tryon* cryed out, you came in, did not you?

Vanden Ancor. Yes my Lord.

L. *Bridgman.* How did you find him?

Vand. I was lately come home, my Daughter heard a great voice of murder and robberies, I went out, and some of the neighbours were breaking open the door, and I was the first that went into the house; and so I went presently up to master *Tryons* Chamber, and found him bound with this rope; and put it into my pocket, and searched about the house, and several neighbours came in.

Chaplain sworn.

I was at the door with master *Vanden Ancor*, we went into the Warehouse and Comptinghouse, and all open, Cash was taken away without any breaking. Sayes master *Tryon*, all my mony is gone, 1000. and odd pounds; several pieces of plate were there left. We went up with master *Tryon*, and sent for a Chyrurgion to dress his thigh: by this time his man came in, I asked him where he had been? sayes he, I have been at Collonel *Turners* at supper. Where is the maid? sayes he, She is fallen into a swound; some maids came home with her; I asked her where she had been; she said, At one *Chamberlins* a Goldsmiths; said I to her, the man sayes one thing, and you another. A little after comes in Collonel *Turner*, with his Lanthorn, and his hair turned up under a Cap, and there he made a great bussle; I went to *Chamberlins* to inquire touching the maid,

he said, They had been there with a Dancing master. *I* went to master *Tryons* again, We asked him, who he thought bound him? he named one *Chrismas*, but *I* knew him not.

Lord *Mayor*. Did you not find any door that you observed, to be broken?

Chaplain. No, but all opened with keys.

Mr. *Chrismas* sworn.

My Lord, *I* know little of the business, about two a clock on fryday morning, there comes a Constable and other people, and knockt at my Ware-house doors; the mans servant of the house rose up, and asked them who they would speak with? they said, they would speak with one *Chrismas*; hearing my name, *I* rose up, *I* asked what was the matter? they said, they must have me to master *Tryon*, he was rob'd; if he was, said *I*, it doth not concern me; they told me, *I* must go to master *Tryon*; *I* said, he was not a civil man to send for any at this time of night out of their beds; then another Constable came, and said, He would break open the doors; said *I*, *I* am not afraid to come to you, *I* am not the man you take me to be: Nothing would satisfie, but *I* must go; *I* told them *I* would, and then they took me into their charge, & carried me to the *Exchange*.

L. Ch. J. Hide. Who besides the Constable?

Chrismas. Two young men that I know, one *Bagualls* man, and *Brownings* man; they told the Constable, I was a man of repute, and an honest man; and my word would be taken at the *Exchange* for many 100. pounds: after that they intended to carry me to master *Tryon*; and the Constable of *Broadstreet* carried me to the Counter, there I was till ten a clock; and then the Constable and *Turner* came to me: *Turner* asked me what Justice *I* would go before; I told him it was indifferent to me: Sir *John Frederick*, or the next, Sir *Richard Brown*, or before Sir *Tho. Aleyn*, Sir *John Robinson*; all one to me whom *I* go before, but *I* think it most convenient to go before Sir *Thomas Adams*, because he lives in the same parish with Mr. *Tryon*; we went there, and no man charging me, Sir *Thomas* discharg-

charged me, but desired me, I would go over to Mr. *Tryon*.

L. Bridgman. I observe this Gentleman was of a pretty bulk, somewhat corpulent, and so is Mr. *Turner*.

Turner. My Lord, I humbly beg I may have a stool to sit down, *I* am troubled with the Gout.

L. Bridgman. You may have one.

Mr. *Millington* sworn.

My Lord, *I* came to *Mr. Tryons* on Saturday in the afternoon, about the evening; and being sent for to come with *Mr. Turner*, he told me of the arrest that was made upon him, and said, that he should not comply with his words, in bringing the Jewels and remainder of the money; he desired me, I would go and intercede, that he might have his liberty to go about the Jewels; but I did not think it convenient to make my self concerned in it; he alledged, that if he did not it presently, the thief would be gone; it was hinted, that they that were with him, might go along with him, the *Marshal* and Serjeants; he said, if so many came, they would fright him away; for he said, he was walking about *Tower-hill* or *White-chappel*. But it was denyed, and could not be granted that they should go, it being out of their liberties; he desired to go near those places, keeping within the liberties, and to send for them; Sir *Thomas Aleyn* told him, he might as well send for them thither. He desired to go to the *Hoop Tavern*, and then some went with him to his house; his Wife was private with him behind a Partition; then he came out and spoke publickly to his Wife, sayes he, there is a man will be walking all alone, either at *White-chappel*, or on *Tower-hill*, do you go there, if he sees you, he will ask you whether you want any thing, and will deliver you what I told you. We went to the *Hoop Tavern* again, and about two hours after, the Jewels were brought by his Wife; that being done, we went to *Mr. Tryons*, *Mr. Turner* carried the Jewels; being at Mr. *Tryons*, the Jewels were there opened; we found by perusal that there was onely a Carcanet

Jewel

Jewel wanting, of the value of about two hundred pound; and Mrs. *Turner* said, the man told her, that that Carcanet was fallen behind a Chest, but did not doubt to procure it to morrow: Afterwards Sir *Thomas Aleyn* told him, now he could do no less then commit him to *Newgate*; Mr. *Turner* told him, then he had better have kept the Jewels; the remainder of the money being asked for, he said he would be bound for it.

Mr. *Mannock Sworn.*

Justice Bridgman. What discourse passed between you and Mr. *Turner* at *Newgate?*

Mannock. My Lord, he told me Mr. *Tryon* was to give him 500 pounds to get the Jewels and money, and that he had got him 500 pounds, and most of the Jewels; and that if Sir *Thomas Aleyn* had not secured him, he did believe that he should have had them all; but *Newgate* was not a place to find them out.

L. Bridg. Did he tell you of bringing any money from his own house? that the 500 pounds he delivered Mr. *Tryon*, was proved from his own house.

Mannock. He did tell me so my Lord.

Turner. My Lord, I own it, I shall unfold the riddle by and by.

Sir *Thomas Chamberlain Sworn.*

L. Ch. J. Hide. What know you Sir *Thomas* of this business, pray let the Jury hear you?

Sir *Thomas Chamberlain.* My Lord, on Fryday morning I was at the *East-India* house, keeping Court there for that company; afterwards *I* went to the Exchange, and being tired, *I* called in at the Coffee-house, and there heard that Mr. *Tryon* was rob'd; I went directly home and dined, about three a clock I went to Mr. *Tryons* house, an old friend of mine, my Fathers Servant heretofore, I went to visit him, and found a great many people about him; Sir *Thomas Aleyn*, Lady *Garret*, and the Countess of *Carlile* was there; *I* told him, Mr. *Tryon*, *I* understand you have been rob'd, Yes sayes he, *I* have a great loss; *I* found him very staggering

geting what he should do; *I* said, you must now do like a man, or you will lose all; said *I* to Sir *Thomas Aleyn*, if you do not help the poor man being ancient, he will quite lose all; with that *I* went up above in the house, Sir *Thomas Aleyn* was pleased to call me along with him, *I* was by at all the Examinations; *I* did mistrust, and told Mr. *Tryon* in French, that no doubt but that Gentleman was in the Robbery; the reason was, that he being a frequent man in the house, knew every thing; he was there continually, coming for Jewels and things, and no man could do it but himself; that was my judgement. *I* told Sir *Thomas Aleyn* assuredly he had a hand in it; my Lord, the while we were examining the Servants, word was brought in, that he was hearkening at the door, and in the yards, which made me more and more mistrust him; we heard that the maid had been gadding abroad several times, *I* desired Sir *Thomas Aleyn* to examine the maid how often she had Supt at *Turners*, she denied any time; the young man was examined, who said, they had been 30. or 40. times feasted at Collonel *Turners*. My Lord, Sir *Thomas Aleyn* have given you a just account, but he omitted one thing; he had a note sent him which he had in his Pocket touching Mr. *Turners* going about removal of the money into the *Minories*; and before *Turner* came in, he examined mistriss *Turner* upon that note; sayes he, you were there too and carried the mony; sayes she, she is a lyar and a Whore for saying so: Coll. *Turner* came in and said, Why do you torment and vex my Wife? and falling a Cursing, and Swearing, and Banning, said she was with Child, you will make her miscarry, let her alone; Sir *Tho. Aleyn* examined him where he had been that day, and that night; told him of many Taverns, and going to see his Horse, and *I* know not what, but we found him faultering: when the Jewels were brought, there being two Notes, Sir *Tomas Aleyn* had one, and I another; the Old Gentleman was so joyful to see them again, that lying by him, and handling them, he puld two or three down with his sleeve; Says Mr. *Turner*, come, I know what belongs to them better then any of you,

read

read them over and I will shew them you; there wanting one Jewel, sayes he, that Rogue that has the other money, hath this Jewel, but I do not doubt but I shall find that out too; we put them altogether, and Sir *Thomas Aleyn* sealed them with his seal; For the bags of money *I* saw them taken out, and one being sealed with a small seal, *I* put on both my Spectacles, *I* found a Lyon Rampant at top in one of the quarters; said *I*, this is a seal of some great Person, and then a letter was brought down, and being compared, *I* was satisfied in my Conscience they were alike; Sir *Thomas Aleyn* told him he must make a Mittimus for him and his wife; said she, do you send me of your Errands, you shall send some body else another time; *I* thought it would come to this: After much ranting and swearing, (*I* thought the Devil would have fetched him out of the Room) he said, that he had better have kept the Jewels, then to bring them forth, and to suffer for it himself, for he had pawned his soul, and would not reveal it; and said that *Mr. Tryon* had likewise ingaged the like to him: For the six hundred pound, he offered his bond.

L. Mayor. Pray repeat one part of your Evidence again; that was, that some body came to Mr. *Tryons* house, from the house in the *Minories*, charging Mrs. *Turner* to have been at that house.

Sir *T. Chamb.* *I* said, that before *Turner* came in with the Jewels, Sir *Thomas Aleyn* had received a little note, wherein was affirmed, that *Turner* and his Wife had been there; with which she was acquainted, and swore and took on, she was a Whore for she was not there.

S. T. Aleyn. When *I* examined *Mrs. Turner*, she would own nothing. Why, said *I*, will you deny this which is so apparent? that you were there (the maid told you so now) you denyed it when I charged you with it.

Mrs. *Turner.* I did not, it's false, what did-----

Turner. Prethee be patient dear *Mal*, come sit thee down.

S. T. Aleyn. I asked Mrs. *Turner* whether she knew of any money carried to the *Minories* that day; she said, she knew of no money at all; and said she was a whore that that said it.

Mrs.

Mrs. *Turner*. They put it to me that I knew who brought the money to my house, and that a Woman acquainted them so; I said she was a lying Whore that said so.

L. Ch. J. Bridgeman. Mr. *Hill*, what time of night did you go out that night?

Hill. It was 7 or 8 a Clock.

L. Ch. J. Bridgeman. Was the dore locked?

Hill. Yes.

L. Ch. J. Bridgeman. Did you carry the Key with you?

Hill. Yes.

L. Ch. J. Bridgeman. Was there any more Keys?

Hill. There was another above in the Chamber by my Master's bed.

L. Ch. J. Bridgeman. Did you find that other Key when you came back?

Hill. Yes.

L. Ch. J. Bridgeman. In the same place?

Hill. I know not that.

L. Ch. J. Bridgeman. Mr. *Hill*, you have been acquainted with some Transactions between Mr. *Tryon* and *Turner*; was he not employed about a Mortgage?

Hill. Two or three.

L. Ch. J. Bridgeman. Was not the Names of some persons given to you to that purpose?

Hill. We have two or three Mortgages my Master lent him so much money upon: We heard of one man, but whether he gave Order to Mr. *Turner* to take so much money upon the Land, we know not.

L. Ch. J. Bridgeman. Mr. *Tryon*, have you inquired after the persons?

Tryan. No my Lord; I did beleeve all was true.

Garret. I have enquired after Sir *Theophilus Gilpin*, but cannot find that he has any Estate in *England*.

Turner. My Lord, *Gilpin* onely assignes a Judgement of *Wescott's*.

L. Ch. J. Bridgeman. Then if *Wescott* be good, it is sufficient; you should inquire after him.

Sir *Thomas Aleyn.* My Lord; *John Turner* his Son there, fled away from me, when I came to the House in the *Minories.*

L. Ch. J. Bridgeman. Why did you flie away?

John Turner. I did not, Sir.

Sir *Thomas Aleyn.* No! You ran away as fast as you could; you got over a ditch.

John Turner. My Lord, a Woman cryed out, Get away and save your life; and I not knowing what the matter was, I went away.

Coll. *Turner.* Poor Boy; he thought Thieves had been coming, and affrighted him.

Sir *Thomas Aleyn.* As to *Ely Turner*, I examined him upon the Sunday, the day after his Father was committed, he would not confesse the carrying of any Money; and the Maid swearing it, I committed him also.

Coll. *Turner.* What's that of *Ely*? Upon my Soul, the Boy carried none.

John Turner. I carried what was carried.

Coll. *Turner.* My Lord, one Son is as dear to me as the other, but if either be more, it must be my eldest; but yet I must say, it was *John* my eldest Son that carried the money.

Sir *Tho. Aleyn.* My Lord, *William Turner* was brought before me on Tuesday or Wednesday; Sir *Rich. Brown* sent out his Warrant for him, being a person of evil name, and likely to do such a fact: Being taken, he was brought before me. My Lord, when Mr. *Tryon* looked upon him he suspected him; I examined him when he saw Coll. *Turner*; he said, not these three years, not to speak to him; and yet one at the *Cock* behind the *Exchange* said, this *William Turner* staid for Coll. *Turner* at his house two hours; that Coll. *Turner* came in, paid for the Pot of drink, and for ought he knew they both went together; thereupon I committed him.

In the Afternoon I ordered this person to send his Servant; one came and made Oath that he came in, and inquired for Coll. *Turner*, asked for him, staid two hours for him; that they

they went both out of the house together; and this was on the Wednesday, the day before the Robbery.

William Dawes sworn.

All that I can say is this; *William Turner* was at my house on Wednesday was seven-night last; comes in, and called for a Flaggon of Beer; there comes in a Customer of mine, sayes he to me, What do you with such a Fellow in your house? have a care of him, he is a dangerous fellow; presently after Col. *Turner* came in and paid for a Flaggon of Beer, and went away.

Col. *Turner*. I drank not with him, did I?

Dawes. Not that I saw.

L. Ch. J. Bridgeman. Sir *Tho. Aleyn*, Did not this *William Turner* deny that he had seen Col. *Turner* lately.

Sir *Tho. Aleyn*. He said positively he had not seen him these Three years so as to speak to him; said, he was grown too high for him.

John Rowse (*Dawes* Servant) sworn.

L. Ch. J. Bridgeman. Do you remember when *Will. Turner* was at your Masters house? which is he?

Rowse. That's he (pointing to *William*) he was there upon Wednesday the 6 of this month.

L. Ch. J. Hide. Did *James* (called Col.) *Turner* come there then?

Rowse. He came, and said he staid for the Col. and by and by the Collonel came?

L. Ch. J. Hide. When he came, what did they?

Rowse. He went to the Bar and paid the reckoning.

L. Ch. J. Hide. What time of the day?

Rowse. About 12. or 1. a Clock.

L. Ch. J. Bridgeman. Did you ever see them both there before?

Rowse. No, I never see them together before, but several others have inquired for Col. *Turner* at our house.

L. Ch. J. Hide. By the Oath you have taken, Did *William Turner* say he staid for Col. *Turner*, and that after Col. *Turner* came, he paid for the Drink, and they both went away together, and this on the Wednesday.

Rowse. Yes Sir, it was so.

Col *Turner.* My Lord, I left him there; he followed me to the Exchange about his Arrears, as Twenty poor Gentlemen doe.

Mr. *Garret*, Mr. *Watcher*, Mr. *Pilkinton*, and Mr. *Peter Cully*, Sworn.

Mr. *Cully.* My Lord, and Gentlemen of the Jury, I was at Mr. *Tryon*'s this day seven-night; as I came from him, I met Sir *Thomas Aleyn*, Col. *Turner*, and Major *Tasker* comeing up Stairs; they asked who was there with Mr. *Tryon*? I told them no body; *Turner* desired earnestly they would stay a little; for (sayes he) Before God you will spoil all the businesse by and by; after he had been a little time with Mr. *Tryon*, he comes forth again, he takes up the Bags of money; sayes he, these belong to me, this is not Mr. *Tryon*'s money; he carries it to the old Gentleman; he comes into the room, sayes he, Gentlemen you may be all gone, the old Gentleman is satisfied, his money and jewels shall be forth coming by Five a Clock this Night; Persons of quality are concerned in the businesse, and the old Gentleman will not prosecute: I asked Col. *Turner* why was the money carried from your house to the *Minories*? he said there was none, and did affirm it with an Oath. When the Bags were taken out of the Wallets upon comparing of a Seal of one of the Bags, with the Seal of a Letter produced, I found them the same. That's all I can say.

Mr. *Watchter.* My Lord, last Saturday between 12. and 1. of the Clock came Col. *Turner* on the Exchange, and said that Mr. *Tryon* should have all his money and jewels by three of the Clock that Afternoon, and if any man could say that he lost Six pence of his money, or six penny worth of his Jewels, he

he had two Fellowes in custody that should suffer for it; and asking him why the money was that morning removed from his house to the *Minories*, he said with a great Oath, the money was never in his house.

Mr. *Garret*. When Coll. *Turner* brought home the money, he took up one of the Wallets and said, *Jack* take notice this is my money.

L. Ch. J. Hide. Where was this?

Garret. In my Cousen *Tryon*'s house, and that he only left it with my Cousen *Tryon*; when we looked over this money in the Evening we found that Seal, that this Gentleman (pointing to Mr. *Cully*) hath spoke of, it was a little defaced, but yet apparent enough.

Turner. I did say so my Lord, he speaks truth.

Mr. *Pilkinton* Sworn.

I can say no more then hath been said already, I shall repeat it. Being at the *Hoop* Tavern with Mr. *Tryon*'s man and others, with the Officers; we were discoursing of his Robbery, and I was saying, that I admired he being so ancient a Gentleman, they would use him so barbarously as hath been related; said Coll. *Turner*, in that they went beyond their Commission, they had no order for it: and being asked how they got into the house, he said one got into the Cellar in the day time, and so related it in the same manner, as several Witnesses before: being asked how his Tooth came to be beaten out, sayes he, it was not with a blow, but the mans finger being in his mouth, he closed his teeth, and strugling to get out his finger, his knuckle thrust out the tooth; and then Mr. *Tryon*'s man saying, if he and the Maid had been at home, they should have been kill'd, No, said *Turner*, you would onely have been bound.

L. Ch. J. Hide. Now Mr. *Turner* you have heard your Charge, you will do well to make an answer to it, you see what is laid to your charge.

Turner. I my Lord, I shall clear it all, every Syllable of it.

Mr.

Mr. *Martin*'s Coach-man was called and Sworn.

L. Bridgman. Tell the Jury what you know, did you see any people about Mr. *Tryon*'s house upon *Thursday* night.

Coach-man. I did, my Lord, I was come by from the Play-house with my Coach, I saw four men, two on one side of the dore, and two on the other side, every one had a Handcherchefe tyed about his neck, and every one of them had a good Cudgell in his hand.

L. Bridgman. What time a night was that?

Coach man. About eight or nine a Clock at night.

Lord Mayor. Was their faces turned towards Mr. *Tryon*'s dore, as if they were to go in, or to knock.

Coach-man. No Sir, two stood towards *Fenchurch-street*, and two stood toward *Leaden-hall-street*, I did suspect such a businesse, for they pulled down their hats over their faces.

L. Ch. J. Hide. What kind of Cudgels had they?

Coachman. Sticks somewhat bigger then Walking-Staffs.

[Mr. *Tryon* looking upon *William Turner* at the Bar, said, This man, whose name is (as I understand) *William Turner*, I do suppose to be one of the two that was in my Chamber at the Beds side, and that indeed did strike out my Tooth. I asked him why do you use me so inhumanly, like a Beast, and not like a man? I am quiet, what would you have? sayes he, Be still, you shall not lose a hair of your head.

L. Ch. J. Hide. You beleive that to be the man.

Tryon. I would be loath to charge him, but he is as like him as any ever I saw.

L. Ch. J. Hide. Had they either Vizors or Masks on?

Tryon. Nothing my Lord, bare-faced, one said to the other, it's but past a 11 of the Clock, else I had not known it, I was asleep, with Surprize amazed, being an ancient weak man.

L. Ch. J. Hide. As neer as you can conjecture is that the man?

Tryon. Yes, both of face and pitch.

Lord Mayor. Mr. *Tryon*, Did you observe those persons that

that were at your bed-side, whether they had Handkerchiefs or Crevats about their necks?

Tryon. My Lord, I did not take notice of that, I do not remember it.

L. Ch. J. Hide. You hear your Indictment, that you and *William* and *John* are Indicted for the Felony and Burglary, for breaking and entring into the house of Mr. *Francis Tryon*, and stealing the particular Goods and Money, as you have heard; I would propose this to you, to make your defence touching your Charge, which first that you and *William* met the day before, he came in first, and said he staid there till you came, you came and paid the Reckoning and went away; you two were together the day before, what your business was, you can better tell than I. The night he was robbed his Servant being gone the dore was double locked, you knew all the private places where the Keys lay, all the rooms wherein Cash, Jewels, where every thing was; and it was not possible this Burglary could be committed but by one that knew those things.

Turner. There are about twenty people that knew as much as I, his Servants, and such as had been his Servants.

L. Ch. J. Hide. It falls out that the self-same night after this house was robbed in the Morning early, you, your Wife and Son go to remove store of Money out of your house.

Turner. It was two Nights after the Robbery, pardon me my dear Lord.

L. Ch. J. Hide. When you carry this you go with a false story that a Merchant was broke, and you must needs have some of the money for his Wife, and 8 Children, and this money was to be set aside for them.----

Turner. It was so, my good Lord.----

L. Ch. J. Hide. You will do well to hold your peace a while; Your Wife and You disowned you removed any money, yet afterwards when the money was brought there and taken upon Suspicion (you taken in the very place removing the money) you owned it to be your own; that then it appeared that one of those Bags was sealed with the Bishop of *Chichester*'s Seal; and at the time of the Burglary there was 600 *l.* in Bags left

with

with Mr. *Tryon*, sealed with the said Seal, and one of those Bags you brought back was taken with you, and owned to be your own; and had the same Seal; that's proved by Four or Five Witnesses, compared with the Seal of a Letter of the Bishop. Your Son on their coming thither, he takes footing and leaps over the Ditch to escape, which is a good just ground of Suspicion, that he is guilty of somewhat that he would not abide to answer; your self and Wife take upon you to know every thing; you know how the usage was; that there was a purpose they should not be killed; that he was gagged; that they exceeded their Commission; if the Man and Maid had been at home they should have been but bound; all particulars you take upon you to know; and to confess the whole and the manner of it; Nay, tell the story how they came in.----

Turner. As I was informed. ----

L. Ch. J. Hide. Lay all this together, unless you answer it, all the World must conclude that you are one that did this Robbery.

Turner. I shall answer it, and I hope to give all the World satisfaction; Pray call

Mr. *Vandeputt*,	Mr. *Cook*,
Mr. *Covell*,	My Maid,
Mr. *Esnow*,	And the Lord Marquiss of *Dorchester*'s Servant

L. Ch. J. Hide. Tell us to what purpose.

Turner. To clear every particular.

L. Ch. J. Hide. Open it.

Turner. I shall first prove that upon Thursday night the time of this supposed Burglary, that my Self, my Wife, and all my Family were in Bed fast asleep, and innocent, not knowing any thing of this Business; This I shall prove, if not, let me hang and all my Family.

L. Ch. J. Bridgman. All this may be true, and yet this not to the purpose.

Turner. Then I cannot be guilty of the Burglary.

L. Ch.

L. Bridgman. If you will lay and plot such a Robery though you are not there; yet, you are guilty of it, for it is ordinary, that the maine setter, will not be present at such times; but will be then in Bed, that people may take notice thereof; but satisfie the Court by what means, you came by this Mony and Jewels, and then call your Witnesses.

Turner. I shall go on by degrees, and certifie the whole.

L. Ch J. Hide. My Lord *Bridgman,* hath put you upon the right business, do that in the first place, make it appear, how you came to know so exactly, the whole carriage of this business, and how you came by the Money and Jewels.

Turner. I shall do it my Lord: The Constable coming for me by Direction of Mr. *Tryon* to assist him, I came to him, saith he some Villaines have been here, and have Robbed me this night, which made me weep, said I, these are wicked people; I gave you notice, how you should have been Robbed about a year since, but that was prevented; and saith Mr. *Tryon,* for Gods sake, assist me in this, and I shall be thankfull to you. Sir, said I, did you see the Faces of them, said he, it run in my mind very strongly that one of them is *Christmas*; said I, who is he, saith he, 'twas *Hanson* the Grocers man, I know *Hanson* said I: *Mosely* go and knock up *Hanson,* and know where *Christmas* is, and bring him to Mr. *Tryon, Mosely* took two or three Men, and went to *Thomas Hanson,* in *Marke-Lane,* and there found, at a Brick-layers house where *Christmas* lay; he was a little refractory to rise, another Constable coming, he came down, and then they sent *Christmas* to the Counter; *Mosely* came and told us, he was in the Counter, I sat with Mr. *Tryon* that night: But my Lord, pray observe how my Name came into Question, the young Man and Maid being out, came home late, the Constable was there then; Friends, saith he, where have you been, saith he, I have been at Collonel *Turners* at Supper, which was a notorious lye, and brought me here in question, God forgive him for it, away comes the Constable by direction

of Mr. *Tryon* and *Hill's* lye together, he came to my House, we were all a sleep; I a rose and asked who is there, it is I, said Mr. *Mosely*, Mr. *Tryon* is Robbed, pray come down, I came down and opened my Door, saith he, was Mr. *Tryons* Man and Maid here at Supper, when said I, to night, said he; I have had no Suppers these nine Moneths, said I; this *William* is a very Rogue, whereupon the Constable replyed, are your Sons within; yes, in Bed these two hours, do you suspect any thing by my Sons, he went and looked, and saw my Wife, he finds my Sons fast a sleep, the one indeed was awake; pray said I, see that you know them again. Upon my Honour my Lord, this (pointing to *Elis*) was a sleep.

L. Ch. J. Hide. Upon your Honour Sir, pray speak by your Honesty.

Turner. *Lapsis Linguæ*, My Lord. It is my usual phrase, hope I shall appear to be a good man, This Child was a wake, he saw the Maid, my Daughters, searched every Room, searched every Place that was to be imagined, to be searched, saith the Constable, I am very glad that your Servants, your Children, and you are in this condition, I will acquaint Mr. *Tryon*, what a Rogue this *Hill* is, how he hath belyed you; Nay, said I, pray take me with you and so I went with my hair put under my Cap: when I came to Mr. *Tryons*, I asked him who had been there; Pardon me my Dear Lord, if I were guilty, I should not speak any thing to excuse it, when I had understood this, I gave the Constable five shillings, and desired him to search about this business, I went to Mr. *George Day* the Goldsmith, and gave him a Note of those things to be Printed, that they said, they had lost, Friday came, and at night Sir. *Thomas Allen*, was pleased to Argue it with me, I told him and the Gentleman, these must be some Rogues that knows the House, which put me in mind of a former crew that was to Rob him a yeas since.

L Bridgman He would be glad you would speak to the purpose.

Turner, I did charge the Constable, and Mr. *Pilkington*, that

that they would get up before day, and that they would go to such and such places, where the Constable and I had privately spoken of, to *Ratcliff* or *Ratcliff-cross*: The Constable and Mr. *Tryons* Man had been there, but the Man and his Wife was gone into *London*, but afterwards by inquiry, the Boy said they were gone into *Hartford-shire* a week before: This Boy is in two tales, here is some pray God these people be Honest.

L: Bridgman. Go on.

Turner. Your Honours Servant my Lord. Afterwards I went beyond the little *Postern* between the two *Tower-hills*, near the *Tower Ditch*, there is one *John Wild* who had been formerly here in *Newgate*, he should have been transported. This fellow coming into my mind, I having before been to take him in *East Smith-field*, I had News he used *White Chappel*, *East Smith field*, and *Tower-hill*, and had Lodgings by the *Blew Boare*, by the *Little Poste n*, and at *Noahs-Arke*, and at the *Lyon* in the *Wood*, the Corner house at *Tower Ditch*, this house about *Tower Ditch*, and the *Nags-head* at *White Chappel*, were the two places where I found those persons about a twelve Moneth since, that should have Robbed him, going now from house to house I passed a fellow in black, in a large Coat, such another man as this (pointing at one that stood by) he was in a black loose Coat, and he was Trimed with Ribbon at the Knees. This person I passed him, and he passed me, and then I out went him, and meeting him on the other side, I was confirmed it must be one of these fellows I looked for, one *Wild* and *White*, passing the second time *I* run to him thrusting to him; what mean you, Sir, said he, said *I*, *I* mean to lay flat Fellony to your charge, do not you know me; No, said he, with a great Oath; then *I* know you, who is it Collonel *Turner* said he, *I* said *I*; saith he, what do you mean; said *I*, Mr. *Tryons* house was Robbed, and you are the person that *I* will lay flat Fellony too, you should have been one of them that were to Robb him a year since, when Collonel *Ashton* betrayed you all; he began with some hard Oaths, bequick said *I*, *I* will cal ou-,

you are an undone Man *I* will lay this Fellony to your.

L Iridgman, What night was this?

Turner, The *Friday* night following about twelve a clock at night, I shifted my hold from his collor to the wast-band of his breeches, I thought I had him secure; said I, *Wild* do not deceive your self, play not the fool if you will save your life; let me see where those goods and money's are, else you will go to the pot; faith he, pray speak lower, we shall be heard; well I will speak lower: We walked to the hill, I had fast hold of his breeches all this while and yet I was afraid he might have some Dagger and stab me said I, bebrief you are not alone, either resolve me, or I will callout; then I will tell you saith he, Col. *Turner*. I understand you are a person of honour, and a gentleman that will keep your word, and if you will upon a serious Vow and Promise save my Life, I will unfold the business, but if you will not; with a great Oath saith he, you shall hang me and loose all the Jewels; said I, what will you have of me; saith he, you shall swear to me, *That by the Blood of that Jesus Christ that dyed for you, and I, and all sinners, that I shall have my Life free, in case I discover the thing to you*, and then I will tell you more, if you will not, I will tell you nothing, do with me what you will: saith I, *Wild*, I shall stand with you so long, that I shall have my throat cut; upon my salvation saith he, stooping down upon his knees; saith he, let me never rise up, if I am not just to you, and not a hair of your head shall be touched; said I, come stand up, I do declare to you, that I will endeavour with old Mr. *Tryon*, Tell me where the things are? They are not farr of; Where are they? They are at two places, but do you swear to me; he did in short, make me say the same words that I have repeated, and that I would get Mr. *Tryon* to engage himself too, by the same Oath I did swear to him, thinking my life in danger, and thinking my friends goods likely to be lost; and did, and do intend by the help of God to make good my Oath; saith he, walk with me, he whistled once, the second time, and at a pretty distance, a third time, and within a little while came another fellow to him at the further end

by

by the *Horse-shoe* Tavern; he comes, saith he, art thou come *Tom*, I think he called him *White*; I saith he, what shall we doe, we are all undone, my face is known? but I have lit in the hands of a Gentleman who will save my life, but for you, he knows you not; saith he, the money must be returned, go and fetch that money, said I, shall not I go with them? no said he; and truly my Lord, I was very glad to take him at his word, if I had gon I might have had my throat cut; there was this 500l. brought at twice, three and two, they went again, and hope brought as I take it, two and one, so there was three and two, and two and one.

L. Bridgman. Who brought it.

Turner. *White*, all this while I had the fellow by the breeches, and would not part with him, it was from a little past 12. till 4. bringing, and was left on the Causy and went away, and fetched the other; this fellow and I all alone together had this discourse; said I, what desperate Villains were you to go and use the old Gentlem. in this manner, fourscore years of age, you beat him and abused him, you are strange mad fellow, why could you not let him sleep in his Bed, he was a sleep when you came in, you were the maddest fellows that ever was: Saith he, some of you hath stab'd him I think, you deserve ten thousand deaths for laying your hands on him, though you did not take six peny worth of his goods; Saith he there was no intention of hurting him; upon my soul there was no order or commission, saith I, how got you in, saith he, the doore stands open half a day together almost, one got into the Cellar, and stood till all was a bed, he went into the Kitchin found a Candle standing lighted, and went up into the old Gentlemans Chamber, and there he found the Key of the doore, came down, opened the doore and let the rest in. How many was there of them? saith he, three or four, said I; what did you doe, and what would you have done? we would only have bound them: How got you to the treasure; by a Key out of the old Gentl pocket: I think there is no hurt to the old Gentleman, I would not for all the world there should: you shall have the things again, and pray you keep your word with me about 4, a clock, in the mo-

ning they brought the money; now said I, what shal we do with it: I can do nothing with it, you must carry it home to my house; these two fellows carried one three and the other two Bags.

We went through *Aldgate* with the money and so to my house, my Wife, nor Sons, nor no soul, God is my witnesse, knew any thing of this businesse but my self: I knockt at the door, this young man pointing to *John*, came down and he unbolted, unlocked and unlatched the door: My Parlour and Kitchen is of all one floor, they followed me in, and threw down the Money; he bringing the Candle to me, no said I, doe not bring it; said I, *Wilde*, What shall I do for the Jewels and the rest of the money, you shall have them brought you, where you will appoint to day; I will have them brought hither, saith he, that cannot be, I have forgot my self, this money must not lye here, you must remove it from hence, for the other Youths that have the rest of the mony, and Jewels will never be brought into the Citty; If you will remove it into the *Minnories*, my life for it, you will have it all; I will pretend there we will share it; you must not let it lye at all but carry it presently thither; I will tell what I will doe, have you any acquaintance about *Tower hill* where you wil leave it: No, said he, nor I neither said I, I went up staires to my Wife, *Mall*, said I, have you any acquaintance about the further *Tower hill*, I durst not trust my Wife nor Sons, for I thought their tongues might be too long, and I left them in perfect ignorance, truly I must clear them; *Mall* said I, there is a Gentlewoman whose Husband is failed (this was a fained story my Lord) it must be secured about *Tower-hill*, she was pretty well awaked: Saith she, there is the Commissary General of the King, his daughter *Betty Fry* keeps a shop of Linnen at the lower end of the *Minnories*; doe you think she will be private, and let it lye for 4, or 5, hours, undoubtedly she will, saith she, prethy get up and put on thy cloaths; and go thither: *Wilde*, where shall I finde you about 8, or 9, a clock. I will lodge this at the Sempsters shop upon the right hand at the farther end of the *Minnories*: Tell me where I shall meet you, and we will have this mony carried there;

there; my Son and I we will have it lodged, Saith he, you shall have me walking within three doores of the *Blew Pig*, so he called it, Saith I, what mean you; saith he, it is a little signe, no bigger than a *Pig*, but it is called the *Blew Boare*, there you shall have me walking in the under or upper Causey. My Lord, I took this boy pointing to *John* who knew nothing, I told him it was a Friends money, I raised my Wife, *Moll* said I, come away, my wife went before, the Boy and I took the money: I carried two and he three: my Wife went and knockt up the maid, the door was open when we came, God forgive this Maid that swears it was this Son, she is mistaken upon my Salvation, this boy was a bed and a sleep: when the money was there, I staid by my Wife, said I, what have you done with this money, I did not tell my wife any thing; I came home coming home, there was my Son and Wife. I drank a Cup of Syder (for I kept a Hodges-head of Syder in my house) as soon as I drank it, I went out of doors imediately; said I to this youngest son, stay at home, I shall have occasion to use you by and by. I went to Mr. *Tryons*, coming there, I found Mr. *Gurney* the Merchant; said I, Mr. *Gurney* I have good newes, I have some hopes of strong presumptions, that Mr. *Tryon* will not loose one penny worth of his goods, marry said he, I am glad of that; we went up to Mr. *Tryons*, we found him sitting by a little Char-cole fire, as much as you may cover with your hands; he told us he had been up ever since three of the clock: we asked him, what he would have to comfort him, he told us, he had something. Mr. *Gurney* after some discourse, took his leave of him, so I sat down. (*Jesus what a noyse is here in the Court my Lord, I can hear but with one eare*) I say, I sat down at the bed-side of Mr. *Tryon*, he on the stool, Mr. *Tryon* said I, I have good news for you; saith he hast thou, I am glad of it, with all my soul; Sir said I, I am informed, you will not loose any of your goods or money, there is but thirty eight shillings spent of all your money, the Rogues took but forty shillings out, and *Wild* told me there was two shillings saved; I dare boldly say, by three of the clock in the afternoon, you will be master of them

again,

again, I would be glad of that, and will give you five hundred pounds; but Sir said I, there is a taile hangs by this; you know you should have been robbed about a year since, and I have apprehended *Wilde* who was one of the intended Thieves; then he hath made me swear. *By the Blood of Jesus Christ*, &c. that he shall have his life, if you have your goods; he hath engaged me, that you shall likewise swear by the like Oath, or else you shall hang him, and so loose your goods; said I, I have a great part of your money, but the Jewels and the rest of your money is wanting: the old Gentleman was almost overjoyed, this is not true said he, said I, I do declare this is true in the presence of God, make no words of it, if the businesse be discovered we shall loose the Jewels; well said he, I will be ruled by you Collonel, and the Lord God make me thankful I have such a friend in the world that hath done this for me, I shall never make you amends, and thereupon he entred into the same Oath, *That by the Blood*, &c. the blood of the man should not be spilt, though he lost both Money and Jewels; I discoursed with him, I told him over and over again, left him satisfied, that I would be with him again, and bring him more tidings, but by three a clock I doubted not but he should have all; then it was almost eight at night, away went I to *Tower-hill* to look my Merchant *John Wild*, he was here in *Newgate* formerly there found I him walking by the *Blew-boare*, carelesly walking there, with his Coat under his Arms; said I, how now, what news, I think I have now pleased you; saith he what? have you done, said I, I have lodged the money hard by and all is right, what have you done, is all right on he other side, all shall be well.: but where have you lodged it? here at a Sempstress, at the corner of the *Minnories*; said he, the money must be removed, there are Sales-men thereabouts, and the fellow that hath the Jewels he is known, he will not come thither; remove it towards the water side, any where, and the things shall come my life for it. They had a Cats Eye Ring, they were such wise

Lape-

Lapidaries, they called this 100l. Ring, when it was not worth 5l. He gave order that the money might be again removed to the other end by the *Horſhooe* Tavern; I run home, fetch'd my Son, ſaid, I Wife, we muſt have away the mony: My Lord, he told me he would have away the mony to the Half-moon Tavern in St. *Katherines*, or the corner Tavern at the *Irongate*, ſaid I, are not you reſolved, well ſaid he, it ſhall be carryed to St. *Katherines*, he would meet my Son at the *Noah Arke*, at *Tower Ditch*; let my Son but hand the money over that Path, and he would hand it to the other; We did carry it, carried again, at his ſecond carrying comes Sr. *Thomas Allen*, he had heard ſome Cry of money left, he comes with a great compamy of People after him, and the fooliſh Wench ſaid to my Son Mr. *John*, fly for your life. *John* being ſurprized and affrighted, he went out of the back doore, went over the Ditch and went to my Houſe. Sir *Thomas Allen* had alſo ſent to ſecure my houſe; when the lad came home into the ſtreet, my doores were ſhut up: (Gentlemen of the Jury do you underſtand) the boy ſeeing ſuch a rout at the doore, ſaith the people, Mr. *John* your Fathers houſe is ſhut up about Mr. *Tryons* money, he walked by the ſtreet and went into *Biſhopſgate* ſtreet, and *Cheap ſide* into *Pater-Noſter-row*, and ſo into *Fleet-ſtreet*: I did not hear of him till Saturday in the afternoon.

When Sr. *Thomas Allen* came, ſaith he, Mr. *Turner*, here we have catcht you and the money; ſaid I, if you be haſty and paſſionate as you were laſt night, you will ſpoile all the whole buſineſſe: Tell me ſaith he, whoſe money it is, ſaid I, it is my money; the truth is, the Old Gentleman hath promiſed me 500l. it is the naked truth, I would not have Sr. *Thomas Allen* the honour of gaining it, but I would have the honour of gaining it my way.

Sir *Thomas* would know whether it was my Money, *I* told *I* had received part of it at a Gold-smiths, so *I* put Sir *Thomas* off, Come, come, said he, we will carry this money to Mr. *Tryon*, said I to Mr *Tryon*, here is part of your money, you know what *I* told you even now, *I* saith he, God be thanked, before Sir, *Thomas Allein*; *I* asked him what his promise was, and told him how the passage was in short; And the old man did acknowledg that such a promise was made, and would have down upon his Knees; *I* passed my word to him that by three a Clock, *I* doubted not but he would have his Jewels, and the rest of the money; saith Sir, *Thomas Alleyn* go whether he said, live and prosper *I* know not, go God bless you, and upon my honour, (*I* think that was his word) the old man shall make good his word, I but Sir, *Thomas* what will become of me and you, by this business, for I understand the Law; how will this business be daubed up, you will be fined; Sir, *Thomas*, *I* must break my word, he must be apprehended, or *I* must suffer, saith Sir, *Thomas* do not trouble me with that, get but the goods, and the old mans word shall be made good, leave that to me; more then that he said, he would make up the business, or he would smother it. My Lord, you have a great deal of patience, *I* am humbly bound to you, here is nothing but the naked truth, step by step, as *I* trod it; Afterwards *Wild* came and said, all will be well; said *I* what have you done, are you sure, saith he, the Jewels, nor nothing shall be stirred; said *I*, you see all is spoiled; Sir, *Thomas Aleyn* is come where we had lodge the mony, the thing is known, do not they hear of it; Yes, they hear as well as you, and know what is done, and some have Eyes upon you, said *I*, they will run away with the Jewels; No, you shall meet about three a Clock; no body knows me but you, your Wife, and your

Son

Son, who saw me this morning at three a Clock, either by the *Blew Figg* at *Tower-hill*, or *Nags-head* over against *White Chappel* Church.

It is agreed, for Gods sake look to it, your life and mine is concerned if the Jewels be lost, I will persecute you to the Death, look they are preserved and not purloyned; saith he, the baggs were never opened, I parted with him, he was to look for me at three of the clock; coming home about Change time, who should I meet with but Mr. *Stubbs*, who told me that it was all the News upon the Exchange that you have been in the Robery; Said I, do not trouble your head, I have discovered the business; Then said *Stubbs* you know I and *Thomas Lyon* are Bail for you, at that time I satisfied him; Afterwards that day I met with Mr. *Cole* the Officer, said he, Colonel I Arrest you? for what? for more fooleries yet; *Thomas Lyon* will not be satisfied, by six of the clock this business will be all over, nothing will serve your turn but violence, violence, no force, no Law, I was forced to go to the Hoope Tavern; I got them to send for Mr. *Stubbs* and *Lyon*, they came, Said I, what will you have? I am in prosecution of a business for Mr. *Tryon*, you will undoe it with this six penny businesse; say what Security you will have, and you shall have it; Said I, Mr. *Tryon*, and Sir *Thomas Allen* shall give you their security to save you harmless for being my Baile; Said they, hold Mr. *Tryon* weele do it; we are Content, they went away, and told me they would get a Bond, and come presently; but what was this presently? I will warrant you they stayed two hours; It was seven a clock at night before I parted with them, I was fain to send the little Boy for Mr. *Hill*, Mr. *Pilkinton*, Mr. *Millington*; This was either a Curse from God sent upon me, or a Plot of Roguery that the money should be lost; They came not back till seven of the clock, and then without a Bond; and I fell a little violent, but I was telling them how

these Rogues told me the whole carriage of this Robbery; when it came that Mr. *Tryon*, and Sir *Thomas Aleyn* heard that I was in Custody, he sent a Constable with a VVarrant to bring us all before Him; VVhen we came there, I desired Sir *Thomas* to let a Gentleman go with me, I will break my Oath with the Fellow, and we will apprehend him, and make him bring the Jewels; Sir *Thomas Aleyn* told them, if they would all go together, they might, but to go out of the Liberties he could not let them go; I have you, and I will keep you, and do find him if you will; How now, Sir *Thomas* said I, are you come to this, have you fooled me all this while? I Faith, I thank you, for you have trappaned me very fairly; if any thing miscarry in my Honour and Reputation, or Blood, you are in the fault; Here I do declare, said I, if you will let me go, I will take him; Then Sir *Thomas* did incline to let me, what say you Officers, will you go out of your Liberties with this Gentleman? Sir *Thomas* said I, there is now Liberty or Priviledge for Fellons, I will Seize a Fellow my self in any ground in *England* without VVarrant; I do remember this *Wilde* did Condition, that in Case I could not come, I should no man living but my self, because he had had my Soul pauned to him; I asked him whom he would trust, *He* said, if I could send my Wife, describing her to him, That she was a full short woman about forty or fifty Years old, she had a long black Scarffe on; then let him alone, if I cannot come, I will send such a woman, and send the things by her, and preserve your life; I told Sir *Thomas* this story; My Wife came to me Publickly, I did not whisper with her——

Mistrio

Mistris Turner, Nay look you Husband ——

Colonel Turner, Pray thee *Mall* sit down, you see my Lord my Wife will interrupt me with nonsense; Pray thee set thee down quickly, and do not put me out, I cannot hold Womens Tongues, nor Your Lordship neither.

L. Bridgman, This is not a May-game.

Turner, My Lord, it is a serious business, and I hope God will blesse it, —— pray said I, *Mall* go as you love and honour my life and credit, or any thing that concerns me I beg you to go, then I will go saith she, whether must I go? you must go to the further *Tower-hill*, six doors beyond the little Postern now it is so much of the clock, from five to seven he will walk there; a fellow will come to you in black, that man that in the morning took the money from *Jack*, he will know you, and once in a quarter or half an houre he will come to you; if you do not finde him in half an houre, stay no longer, but pack away to *White-Chapple*, aske for the *Nags-head* in *White-Chappel*, and once in a quarter of an hour you will have a man come to you, and take notice of you, and aske you who you are, and you must say, that you wa k for one to give you *somwhat*; he will deliver you *somwhat*, and whatever he delivers you, bring it hither; said I to them, you may send if you will and dodge my wife and catch him that way, they would not; I sent my poore wife away, and saving your Lordships presence, she did all be dirt her self, a thing she did not use to doe poor soul: She found this *Nags-*

head, she sat down being somwhat fat and weary (poore heart,) I have had twenty seven children by her, fifteen sons, and twelve daughters; seven or eight times this fellow did round her——

Mrs. *Turner,* Let me give that relation.

Collonel *Turner.* You cannot it is as well, prethey set down Dear *Mall,* set the down good Child, all will be well, when she came back, she came with something in her Apron, what are you spead, saith he? *I* know not what? a man came to me and asked me who *I* looked for? *I* told him? *I* looked for any man that would give me any thing? are you Collonel *Turners* Wife? and upon her answer he gave her these bags into her Apron, and was gone a matter of a yeard from her, step back again, that is not all, here is a Diamond Ring worth a hundred pound, give that to your Husband, and this Dyamond Ring proves a Cats Eye Ring, and worth but four pound.

Mris. *Turner.* Well, and did not *I* bring these——

Collonel *Turner.* Look you my Lord, this Woman will put me out; My Lord, she did deliver all these things and went home, *I* did take out these Goods; now said *I,* Mr. *Tryon,* you see all is come (Sir, *Thomus Chambrelain* was there) *I* have performed all in my part, look to the rest, that you perform yours: Some people reports, that there is other Jewels of my own; my Lord, they are all his own, and he will not disown it, and *I* do not expect my five hundred pounds for what *I* have done, according to his promise, *That as Jesus died,* &c. that the man should not

not be persecuted, nor loose a hair of his head, if he lose his whole Estate, and *I* do expect my money, not such a reward as this; after which *I* was commited by *Sir, Thomas Allen*, and so was my Wife, now pray let me call my Witnesses, and if *I* cannot make it good, that *I* am clear, let me be hanged; My Lord, *I* shall humbly entreat that Mr. *Vand put*, may be called Mr. *Cavil*, and the others.

L. Bridgman, What doe you prove by them?

Turner, To prove part of this businesse, That I did assure Mr. *Tryon* of his Goods, and to my reputation: I forgot one chief thing, I am not a man in Debt, take notice of that, no man in the world hath my Bill for 5l. There is onely this contest between Mr *Vanburgh* and my self, which is left to Arbitrators and the Lord Mayor is Umpire: It is known I have an Estate, and there is one thing remarkable; Gentlemen of the Jury, I could have had all these Jewels at any time in trust; I could have broke aswell as others and paid 5 s. in the pound: I lately made payment of 2600 l. for Goods, and I can have 20000l. Credit any day upon the Exchange: Why I that had this Credite, that might break for so much money? why should I put my Neck in a Halter, these are very strong Arguments for me, that I am not such a Person.

L. Bridgman, I will tell you what you have done; you have made a very long story, and have taken up the time of the Court these two hours in a Narrative, and when all is done, answer me, Have you any Witnesse to prove all this Discourse between you and *Wilde*.

Turner.

Turner. I have by Witneſſes to prove, I ſaid this, that there was ſuch Diſcourſes between us.

L. Bridgeman. No doubt of it, and ſo will many a man at *New-gate* frame ſuch a ſtory as this.

L. C. J. Hide. You have told a long ſtory about *Wilde*, that you took him by the Throat, and that you were alone, what Weapons had you?

Turner. None my Lord.

L. Bridgman. Had you a Lanthern with you?

Turner. No my Lord.

L. Bridgman. What time of the Night was it?

Turner. Twelve a Clock my Lord.

L. Bridgeman. You ſtaid till foure, ſo they were foure houres a bringing of the money.

Turner. Yes, my Lord.

L. Bridgman.

L. Ch. J. Hide. You took a man in the dark by the throat, that man that was guilty of such a thing, as when that you did let him go to call his Companions, to bring the money, bring fellows to you single; I would be glad to know whether in this case they would not have knocked you on the head, and killed you?

Turner. My Lord, *Wild* had engaged his soul, and I my soul to him, that if I would not discover him him I should go away free.

L. Bridgeman. Great security indeed.

Col. *Turner* called several Witnesses, (*viz.*) Mr. *Vandeput*, Mr. *Covel*, Mr. *Legoose* Mr. *Snow*, and Mr. *Mosely* the Constable. I desire my maid may be called; pray ask Sir *Thomas Allein* what he hath done with my Maid, he took her up with Sir *Richard Brown* and two Marshals men (pray Gentlemen make not a laughing business of this) Sir *Thomas* pray where is my Maid.

Sir *Thomas Allein*, I had this maid upon examination, I finde cause of further Examination, and thereupon directed an Officer to take her, and she is now in the Garden.

Mr. *Mosely* the Constable examined.

When I came first to Mr. *Tryons*, at Mr. *Tryons* house, he was bound, then he asked where his Man and Maid was, he said he could not tell, by and by the man came in, and being asked where he was, he answered he was at Coll. *Turners* at Supper, presently after we went to Colonel *Turners*, he came to the Window, his Wife and two Sons were in bed.

L. Bridgeman. Did Mr. *Tryon* give you order to come to him?

Mosely. Yes my Lord, he did.

L. Ch. J. Hide, Mosely you were Constable were you not? what discourse had you with Mr. *Turner* about a dangerous place that you did suspect where some people may be to do such a feat?

Mosely. I never heard of any such thing spoken.

L. Bridgeman. You say Mr. *Tryon* he wished you to call *Turner* to him; did he give you any order or direction to search his house? who wished you to go up to the house to see whether his Sons and Daughters were in bed?

Mosely. Mr. *Turner* did my Lord.

Turner, He doth not say true my Lord; pray ask him when he came to my door and I opened it, whether Mr. *Tryons* servant were there at Supper that night; I said no. Is your sons within said he? I said I. Pray let me see them.

Mosely. I came to Mr. *Turners* house and knocked at the door with some others with me, at last the Col. came out of his bed. I suppose he came out of his bed, being partly naked, he came down to the door, I asked him where are your sons; they are in bed says he; said I Mr. *Tryon* is robbed, he would have you come to him.

L. Bridgeman. Did he desire you to go up?

Mosely. No my Lord, but I asking him whether his sons were in bed, he said, I prethee go up and see.

Turner. My Lord, I would prove where my sons were on Thursday night at ten a clock.

Lord Marquis of Dorchesters *servant examined.*

My Lord, till nine a clock they were with me at my Lord Marquesses house.

L. Bridgeman. What time came they thither?

M. Servant. Between seven and eight at night.

Col. Turners *Maid examined.*

Turner. Come Maiden pray tell my Lord and the Court when my sons came home this night.

Maid. Between nine and ten a clock.

L. Bridgeman. Were your Master and his Sons in bed all Friday night or no?

Maid. Yes my Lord they were.

L Ch. J. Hide. Did your Master go forth on Friday night?

Maid. No, he was at home and in bed all that night till eight a clock in the morning, and Thursday night before.

Turner. A silly soul, she knows not what she says.

L. Ch. J. Hide. I will ask you again, was your Master at home on Friday night?

Maid. No I think he was not.

L. Ch. J. Hide. Why did you say so before?

Maid. I cannot remember Sir.

L Bridgm. She knows her Masters mind.

Turner. No upon my soul, my Lord.

L. Bridgem My Masters of the Jury, this is the use that is made of this Maids testimony; she will say any thing, she is no fit witness, no trust to be given to her either one way or other.

Turner. Pray call Mr. *Cowel*, Mr. *Legoose*, Mr. *Cook* the Goldsmith.

L. Bridgem. What do you call these for?

Turner. To prove my Condition, my Credit and Reputation.

L. Bridgm. The Jury knows that already.

Mr. *Cook*, Thus much I can say, that I have known him some twenty years, I have had dealing with him to the value of several 100 *li.* I have trusted him, and have found him very faithful. I have seen in his possession Jewels to the value of eight or ten thousand pounds; by which I suppose if he had been such a person he might have done himself a kindness by breaking.

Mr. *Legoose.* All I can say is I have an acquaintance with this person, he was a Solliciter, dealt honestly and faithfully in a business wherein I was concerned, he hath lived very well.

Sir *Richard Brown.* Where you have heard on man say he is an honest man, have you not heard a hundred say otherwise.

Mr. *Legoose.* There hath been an ill report that he hath been a person that lived high.

Turner. Sir *Richard Brown*, no man in *England* can say black is my eye.

Sir *Rich. Brown*, Mr. *Turner*, you say you were upon *Tower-Hill* all Friday night, whether went you in the morning.

Turner. I came home between four and five in the morning.

Sir *R. Brown.* Your maid offered to depose even now, that you did not rise all that morning before eight of the Clock.

Turner. Lapsis Linguæ; If the Girle be mistaken.

L. *Bridgeman.* Do not trouble your self with that, her evidence is of no force.

Mr. *Jefferies.* Col. *Turner*, I cannot say any thing that will be advantageous to you, My Lord, and Gentlemen of the Jury; I have heard Mr. *Tryon* hath trusted him with Jewels to a good value, and that Mr. *Tryon* had a very good repute of him.

Sir *Rich. Brown.* Pray, what report hath he upon the Exchange?

Turner. I owe nothing there Sir *Richard*, nor none there can lay any thing to my charge, except it be that I am a Cavalier.

Lo. Ch. *J. Hyde.* Mr. *Turner*, have you any more?

Tur. My Lord, I do want these Goldsmiths, they do not appear, they promised me they would.

Lo. Ch. *J. Hide.* How can we help it?

Tur. I do humbly beg your Honour and this Honourable Bench, that the Old Gentleman, my Old Friend, may declare what passed between us on Saturday Morning.

L. *Bridgeman.* Consider what you do, for here would you have Mr. *Tryon* swear against himself, hear what you would put him to, take it as you put it, though I do not beleive a word of it. As you put the case here is *Wild* commits a Robbery, you come and truck with *Wild*, and agree with him that Mr. *Tryon* shall let him go, shall not meddle with him, there shall be no Prosecution, so the Jewels and money may be brought, would not you get Mr. *Tryon* to conceal

conceal a Fellony, and Fellon, and he confeſs againſt himſelf he made this agreement with you? that Mr. *Tryon* did conſent to it, that he promiſed you five hundred pound to ſhuffle up this buſineſs?

Tut. Here me pray; you put me out, I had not let this man go; I begged that they would go with me, Sir *Thomas Alleyn* would not let us go, we would have taken him, I was ſenceſible of the danger; it may be we might have had the Fellon and the Goods too.

Lo. Ch. *J. Hyde.* No doubt, upon your own ſtory, all this while you had no poſſibility of having the goods, unleſs the life of this fellow may be given you, ſo you were faint to agree, and plight your word to him, pawn your ſoul that he ſhould be free, untouched, ſo he would diſcover the Goods and moneys. Sir *Thomas Alleyn*, ſpeak to that particular again.

Sir *Thomas Alleyn.* My Lord and Gent. of the Jury; He tells a long ſtory that he was kept abroad tell ſeven a Clock at night, I do verily beleive he was brought to Mr. *Tryons* at five a clock, and there he kept us till ſeven, and all he would do, was, he deſired to go himſelf, or with one perſon at the moſt, or elſe we ſhall loſe all the Jewels, ſaith he, for two ſouls are pawned; he did not in the leaſt argue the taking of the Theif, I muſt ſay this, when I came to him on Munday, he ſaid if I had ſent a good Guard, we might have taken the Thief, ſaid I, a Lyer had need have a good memory, then you muſt onely go your ſelf, or with one perſon, he hath told you that I ſaid there ſhould be no proſecution, I ſaid onely this, what ever Mr. *Tryon* had promiſed you I knew not, but if you expect favour, let the Old Gent. have his Jewels again.

Sir *Tho. Chamberlane.* I heard no ſuch thing.

L. *Bridgman.* What did he tell you?

Sir *Tho. Chamberlane.* He would have gone with one with him, and pretended he could find out the Jewels onely.

Mr.

Mr. *Millington*. There were some propositions made, he desired first I should go with him singly; I told him there would be no security, but if he would get a sufficient Guard I would go with him, but he went home to his wife, and never made mention of any parties name, but that there was a party he expected the Jewels of.

L Bridgeman. Did he propose any thing touching the taking that man?

Millington. Nothing but that he had pawned his soul there should be no discovery of it.

L. Bridgeman. did he desire that you should go and take the man?

Millington. No, but that we might go and secure the Jewels.

Sergeat Cole. My Lord, there was a great deale of danger, we are bayl for Eight hundred pounds, if he had been taken away we are all undone, he onely propounded of having the Jewells, and nothing of the man.

Mr. *Gurney*. I understood you Col. *Turner* only for the Jewels, and not for the man.

Mr. *John Marshal*. My Lord, he did move Sir *Thomas Allein* that I might go with him to *White-Chappel* and about Tower-hill. I told Sir *Thomas* it was very unsafe for me to go being late, and out of the Liberties, though I was a Constable, I could not command assistance there; and entreated Sir *Thomas* to excuse me; I thought it not safe for him; he did then repeat the engagement of his soul to the theif, and of *Tryons* to him.

Lord *Bridgeman*. Did you ever hear him say, desire or propose that you should goe and take the Theif.

The *Marshal*. No my Lord, it was to get the rest of the Jewels.

Alderman *Smith*. Do not you know that I spake to you again and again, and advised you by all means to lets know

know where this man is, that I would go my self or any of these persons present, you utterly refused it; and said there was two souls pawned and you would not discover it?

Turner. That was at first, afterwards I mentioned them all.

L. *Bridgeman*, For what?

Turner, To take the Theif.

L. *Bridgeman*, You see not any man testifie any such thing.

Cole Yeoman, Sir *Thomas Allein* called my brother and I both in the room to him, and the Marshal and his man; and said, Col. *Turner* would have us go without the Liberties for these Jewels, I think, saith Sir *Thomas Allein* it is not safe to go out of the Liberties, Mr. *Marshal* said the same; he desired us to go with him, but Sir *Tho.* refused it.

Lord *Bridgeman*, This is a notable piece of Cunning, when he was moved by Alderman *Smith* and others, all this while he names no man, but now he was under an Action he would have them go with himself out of the Liberties, and yet never saith a word to take the man, he knew very well it was out of the Liberties. Truly I think if Sir *Thomas Allein* had done it, I should not have taken him to be Sir *Thomas Allein*; did you desire any of them to go with your Wife?

Marshal, He denied us to go with his Wife, his token was this, the Theif would meet no man.

Turner, My Lord, to the business now, I am here Indicted for Burglary: It appears to your Honours and the Bench, that it was ten of the clock when my Sons came from my Lord the Marques of *Dorchesters* house; said I, You Knaves you, what do do you out so late; said they, It was past nine before we had done, and my Lords Gentlemen made us stay Supper; they were all in their beds at a little past ten of the clock; you hear what *Mosely* the Constable

ble saith he finds us sleeping in the house, how should this burglary be laid on me, I am indicted here for burglary, and that I cannot be, for that I was at home.

L. C. J. *Hyde*. Have you done?

Tur. I my Lord.

Lord Chief Justice *Hyde*. *William Turner*, what say you? you see what is laid to your charge; first, you are a person of loose life, there were two at his Bed-side, he beleives you to be the person that gagged him, and helped to bind him.

William Turner. I was never in his house in my life, til with Sir *Thomas Alleyn*.

Lo. Ch. Ju. *Hyde*. Where were you?

Will. Turner. At home.

L. C. J. *Hyde*. Make that appear.

Wil. Turner. I have none here.

L. C. J. *Hyde*. He saith it was a man as like you as can be.

Will. Turner. And I am as innocent as may be.

L. C. J. *Hyde*. *John Turner*, that which is against you is this, you on Saturday morning very early, was busie with your Father and Mother in the removing the money, and then when you had notive that you would be apprehended, you got away.

John Turner. Sir, I did not know who it was that was come, whether to apprehend, or upon any other score, but the woman speaking to me, flee for your life, or such expressions, made me go away I know not how.

Lord Chief Justice *Hyde*. Did not you bring some mony?

John Turner: I Did my Lord.

Lord Chief Justice *Hyde*. How much was brought at that time?

John Turner. I carried away two Bags to *Wild*.

Lord

L. Ch. Just. Hide. Did you know him?

John Turner. Yes, my Lord.

L. Ch. Just. Hide. Did you carry these to *Weild* on Saturday-morning? Did not you carry them to *Fryes* house?

John Turner. We took them afterwards from the house where *Weild* appointed us to meet.

L. Bridgeman. At what time of the day did you carry them back to *Weild*?

John Turner. Before Sir *Thomas Allen* came that day, I was coming for more.

L. Bridgeman. To what place?

John Turner. At *Tower-Ditch.*

L. Bridgeman. At what house?

John Turner. No house, but I delivered them at *Tower-Ditch.*

L. Bridgeman. At what time of the day?

John Turner. It was before Sir *Tho. Allen* came, about 8 or 9 of the clock in the Fore-noon.

L. Bridgeman. Was there no people there? who was there?

John Turner. I cannot tell; I saw several other persons.

L. Bridgeman. Did *Weild* stand in the street?

John Turner. Yes.

L. Bridgeman. How came you to know him?

John Turner. By my Fathers direction; and I had seen the man at our house that morning when he brought in the money.

L. Bridgeman. Whereabouts? was it near the Quest-house? that is, the great house that stands in the middle of way?

John Turner. It was hard by the signe of *Noah*'s Ark.

L. Bridgeman. This is a likely story to be believed, that you should in the day-time between eight and nine in the morning, meet in the *Tower-Ditch* that man that was a noted Thief, that had been in *Newgate*; that you should tarry for this man to receive two Bags of money: see how it hangs together!

L. Ch. Just. Hide. How often did you go?

John Turner. Twice.

Hide. How much at a time?

John Turner. A single Bag.

Hide. Had you a Coat or Cloak?

John Turner. Just as I am now.

Hide. Had *Weild* a great Black Coat? and what did he do with the money?

John Turner. I know not; but I delivered one in the street, and then went and fetched another, and he staid ready for it.

L. Bridgeman. Was this all the money that was brought in the morning, save that that Sir *Tho. Allen* brought away?

John Turner. It was all, to my knowledge.

Sir Tho. Allen. Colonel *Turner* confessed to me on *Thursday*-morning that more came unto his house, but that Rogue *Weild* took it away.

L. Bridgeman. How much?

Sir Tho. Allen. About 200 *l.*

L. Mayor. How many turns did you make when the money was carryed from your Fathers house to the *Mynories?*

John Turner. Twice.

L. Mayor. Who went first?

John Turner. We went both together.

L. Mayor. How much was carryed between you both?

John Turner. The first time I carryed 200 *l.* as I can judge.

L. Mayor. Who carryed any more?

John Turner. My Father.

Sir O. Bridgeman. What did you bring the second time?

John Turner. 300 *l.*

L. Bridgeman. William, one thing more: What was the occasion of meeting you and *James Turner* at the Alehouse?

Will. Turner. I did not meet him, my Lord.

L. Bridgeman. You came thither, and called for a Pot of

of Ale, and said you staid for Colonel *Turner*.

W. Turner. It is not right; I onely asked if Col. *Turner* used the Horse; by and by he came and paid for the pot.

L. *Bridgeman.* You two went together; what was the occasion of your meeting together?

Col. *Turner.* Finding him there, I said I could not drink with him, and so we parted.

W. Turner. I called for a pot of drink, and having no money to pay for it, Colonel *Turner* coming by, I called him in, and desired him to pay for it, which he did.

L. *Bridgeman.* The Boy swore you said you staid for Col. *Turner*; can you justifie you were at home, or in any other place? it is a great supition; the old Gentleman charged you to be very like the man, and you can give no account where you were, and *Turner* and you met together the day before.

W. Turner. I was at home.

L. *Mayor. William Turner*, when did you shave your Beard last?

W. Turner. Before *Christmas*.

L. *Mayor.* Who shaved it for you?

W. Turner. A Barber in *Golding-Lane*.

L. *Mayor.* When his hair is shaved off his chin, the other man whose Name is *Christmas*, being a smooth-chinn'd man, it's very possible that might beget the mistake in Mr. *Tryan*.

L. *Ch. Just. Hide.* You of the Jury, it is high time to let you go together to consider your Verdict; we will trouble you no more in this business to day: Here is an Indictment against *James Turner*, *John Turner*, and *William Turner*, for a Burglary in breaking the House of Mr. *Francis Tryan* in the night-time, and taking away a great deal of Money and Jewels: you have heard it particularly named: it is likewise charged, That *Mary* and *Ely* knowing of *John* to have committed this Felony and Burglary, did comfort and abet him afterwards: I shall speak to them two first. *Mary* the Wife of *James Turner*, though it appears all along that

she had a hand in this business, yet nothing appears at all, but doing only that which her Husband had directed; then by Law she cannot be accessary for committing of Felony. For *Ely* the other accessary, I did not observe in the whole course of the evidence, any thing at all against him, that he was privy to any thing at all, for that of the carrying of the money, it appears to be *John*; for them two, *Mary* and *Ely*, nothing is fastened upon them; then the matter is to *James*, *John*, and *William Turner*: I hope, and I am sure you are nearer, and you take notes of what hath been delivered; I have not your memories; you are young, and no persons better: you are men of understanding, I need not repeat particulars to you; thus much I must say in the general, That it is not alwayes necessary, but for that I shall desire my Lord *Bridgeman* to declare it to you. A man may be guilty of a Burglary, though he be not in the place, in the room where it was committed: or thus; if three or four men come together with purpose to rob a house, two go in and do the fact, and the rest stay without, to see no body comes to prevent, or to receive, one or other coming to that purpose, those that are without the House, are as guilty of the Burglary as the other that went in: no man will deny the Law to be so. Then weigh your evidence; it appears by the Coach-man, that he saw four men that had Handkerchiefs about their necks, two upon one side, the other two upon the other side of the door; though there were but two appeared to Mr. *Tryan*, yet there being four in company, and Mr. *Turner* himself tells ye, that by the story from his Intelligencer, there was three or four; whom they were, or whether there was any or no, God knows; but rather suppose it to be a story of his own framing. He walked up and down on *Tower-hill*, took the Thief by the throat, and there kept him about two hours, and past four a clock before they brought the second bags: Then weigh that particular knowledge that Mr. *Turner* had of all these things, that upon *Wednesday* before he met with this this *William Turner*, a person you see, of what quality (I shall not repeat) he cannot give account of himself what he is;

and

and that night when this Robbery was committed, he sayes he was at home, they are his own words; he might have had witness to have proved this, as well as Mr. *Turner*. But for *James Turner*, it's true it appears, and no doubt he was that night at home: The Constable went to his House upon the occasion of *Tryans* mans saying he supt there, went to find whether he supt there, that was indeed false; but the Constable and those that went there, found them a-bed. But then take the time when this Robbery was done, it was between eight and nine, and he was found in bed at past ten, though indeed the Thieves said it was eleven, as you might understand by Mr. *Tryan*: it must be left to you upon the proof; you see when he comes the next day, he undertakes to find out the Thieves, and that only upon a suspition, that there being a purpose to rob Mr. *Tryan* a year before, he goes to the same place now, he found *Weild* out then; he had very good luck, that because he lodged there a year before, he must have the same lodging now: it's a likely matter that Thieves, as *Weild* is, should keep their lodgings thus constantly. There he finds him, takes him by the throat, and there they were playing a while, there one comes, goes, and brings some part of the money: After all this, the next day he must take his word to come again, and to bring the Jewels: observe but this; after which time as the money was received, yet by a token, though he never saw the woman before, describing her a short fat woman, with a long black Scarf; he must meet her, askt what she wanted, and must give her Jewels of that value; 'tis one of the finest fram'd stories that I have heard, that this man should come to be thus privy, after himself stood charg'd, and the Jewels brought for all this, and yet he must know nothing of it. You observe the evidences and the circumstances themselves, the Witnesses he call'd in point of reputation, that I must leave to you. I have been here many a fair time, few men that come to be questioned, but shall have some come and say, He is a very honest man, I never knew any hurt by him; but is this any thing against the evidence of the Fact? But you have here the whole, I shall leave it to you.

L. Bridge-

L. Bridgeman. Gentlemen of the Jury, my Lord hath repeated to you the evidence: I shall repeat nothing of that; onely one or two things I shall observe to you. First, in point of Law, and I must agree in opinion with what my Lord says; but in this case there will be something more considered, that is, whether or no (for this is the Law) if a man have a false Key, (we are now upon the point of Law) and we ought to be of Counsel with him and you, to direct that which is right. If he appear plainly to be an Accessary, you must finde him guilty of this Indictment: for that, you must consider circumstances, whether he broke open the house or no: then you must observe Mr. *Tryans* door was shut, it was not broken open by a Crow; therefore you may conclude that it is very probable they had a Pick-lock: but that I must leave to you; either they must come in by one being in the house, or by a Pick-lock: but to say by one in that house, you have no reason to presume on that: if by a Pick-lock, whosoever they were, they must be known, not strangers to the house; not *William Turner* alone, but he that knew the house, and all the passages and doors; knew where the Keys and Jewels were: then who probably should be in the house; it was not for a stranger to be in the house, onely one that must know all. If that *James Turner* shall appear to you to have a hand in it, if you think he was accessary, you must finde him guilty as Principal.

Col. Turner. God forbid.

L. Bridgeman. If he were amongst them, if the Door be opened by a Pick-lock, it is a direct Burglary, as if broke open by an Iron Bar: but that must be left to you. In the next place to prove the Burglary, you see what a story he tells you, with all the circumstances, as if he had been there: He tells you from this *Weild*, (if there be any such, you must take it upon his word) how the mans tooth came out; what he meant to do with the other persons; and all other things about that affair. Observe another thing of Sir. *Thomas Chamberlain:* says he, We suspected him from the first; we could not examine any, but he would be thrusting in, and listening.

listening. I say, admit that you should be by the evidence perswaded he had a hand in the business, you must finde him as Principal: for nothing in the world more ordinary, if a man intend to commit such a Felony or Burglary, he will be sure to have witness to prove he was here, or in such a place at the time when this Robbery was committed. By all that I can guess, and I believe that I guess right, this Robbery was between eight and nine a clock at night: when the Constable came to Mr. *Turner*, no doubt, as it was his wisest way, he was then in bed, but can prove nothing at all else. The truth is, upon all that he hath said himself, if it be true as he hath said, he hath made himself a direct Accessary to a Felony: for first of all, being examined before a Justice of of Peace, Sir *Thomas Allen*, he said himself that the money he carryed, was the money he had of a Goldsmith: truly his whole story is a direct Romance This man must go upon the *Friday*-night, about 11 or 12 a clock; and there is a Proverb of *A blind mans catching a Hare:* if it can be applicable to any thing, it must be to this. He must go between 11 and 12 a clock at night without a Lanthorn, a good way above his own house, and there he must walk, and think some *Mephistophilus* should come and tell him who is the man; that he should take him by the throat, though he could call two more with one whistle, and there get him to deliver the money: truly he was a very noble and ingenious Thief. But all this you must take upon his own word. Now he knows the money was discovered; then it was a Merchants that had failed, and must be secured for the use of his Wife and Children. If you do believe all this that he hath said, he was neither Principal nor Accessary to this Felony, but Accessary enough to *Weild*; but that's not the present business; it is whether upon all these circumstances, the money having been found with them, he being the man that brought the money, and his Wife the Jewels, whether you do believe the rest of the story he hath made for himself. If you believe he had a hand in the business, you must finde him as Principal. I shall desire a little further direction: suppose it were

as

as he sayes, that one was within, and he opens the dore, and lets in others, if he himself was one that did come in, I take it to be Burglary in them all; it was an unlawful coming in: So that upon all these circumstances, first, Whether you do believe that he had a hand in it, or no, or this fine story that is made. Next, Whether you do believe this was one that was there; you must believe him guilty as principal. But I leave it to you.

L. Ch. Just. Hide. To the last I say, If one comes in by day with a purpose before-hand to rob the house by night, if he opens the door, which is almost impossible here, because the man swears it was double-lockt, it must be opened with a key; if he opened the door, and the rest comes in and robs him, that is Burglary in them all.

Thereupon the Jury withdraw'd, and after near an hours consultation, they returned to the Court, and took their places; their names being called, they severally answered.

Cl. of the Peace. Are ye all agreed of your Verdict?
Jury. Yes.
Clerk. Who shall speak for you?
Jury. Fore-man.
Clerk. Set *James Turner* to the Bar. Look upon him; how say you? is he guilty of the Felony and Burglary whereof he stands indicted, or not guilty?
Fore-man. Guilty.

John Turner, *William Turner*, *Mary Turner* and *Ely Turner* were by the said Jury severally acquitted.

January the 19*th.*

In the morning the said *William Turner* was again arraigned and indicted for the Felonious stealing of 45 *l.* of the moneys of *William Hill*, servant to the said Mr. *Tryan*, and stollen

stollen in the said Robbery of Mr. *Tryan*, but the tryal thereof was deferred till the next Sessions.

Afterwards some of the Justices of the Bench having received intimation that Lodgings were lately taken in *Dukes-Place* by the said Col. *Turner*, *William Turner*, and others, for the carrying on of the aforesaid Robbery, the said Colonel *Turner* and *William Turner* were severally examined by that worthy Gentleman Sir *Thomas Alleyn*, who with great prudence hath managed this Affair, who pressed several questions to the said Prisoners, who finding their said design fully discovered, declared as followeth.

The Examination and Confession of Col. James Turner, *and* William Turner, *two of the persons in the Robbery of Mr.* Tryan, *taken by Sir* Thomas Alleyn *Knight and Baronet, in the presence of the Right Honorable Sir* Anthony Bateman *Knight, Lord Mayor of the City of* London, *Sir* Richard Brown *Knight and Baronet, Sir* John Robinson *Knight and Baronet, Sir* Richard Ford *and Sir* Richard Rives, *Knights, Sheriffs of the City of* London, *the* 19th *of* January 1663.

THat the contriving and setting of this Robbery was wholly acted by Col. *James Turner*, and that it was in agitation about *Christmas* last, and should have been put in execution a week sooner, but that the other Friend whom Col. *Turner* brought, was drunk, and one *White* who was one of the Actors, would not venture his life with him.

That there were four persons that robbed him, Col. *James Turner*, *William Turner*, *White* a Sollicitor, and *VWhite*'s Friend, whose Name they knew not. That upon Thursday the seventh day of *January* instant, Col. *James Turner*, *VWilliam Turner*, *VWhite*, and the other person whose Name they knew not, met at the Red-Lyon in *Bishopsgate-street* near to St. *Hellens*, about three of the clock in the afternoon, where they dined; Col. *Turner* fetched a neck of Veal from the Cooks for their dinner, and then they agreed to rob Mr. *Francis Tryan* (who lives in *Lime-street*) that night, and went to meet again at the same House by six of the clock that evening; but the room where they were to meet, being taken up, they went over to the four Swans, or the Green Dragon, and there they all staid till eight of the clock. Col *Turner* did then assure them, that the dores should be opened, for that by his own confession he had got the impression of the key of the dore in Wax, and had another key made by it, but knew not the Smith that made the key. From that place Col. *Turner* carried them to the New-Market in Leaden-Hall, where they sate upon the Stalls for the space of half an hour, and then he came unto them, and told them the Man and Maid were now gone out, and that now was their time. Thereupon Col. *Turner* opened the door with his key, and let them in; then they went up the stairs, Col. *Turner* leading the way; he light a Candle in the Kitchin, and went up into Mr. *Tryans* Chamber all four of them; Col. *Turner* went near the beds feet, the Curtains being drawn close; *VWhite* and the other persons put a cloath into Mr. *Tryans* mouth, stopt it, and bound his feet and his hands. Col. *Turner* brought down the Key of the Ware-House and the Counting House out of his pocket, opened the Ware-House door, and the Counting-House, and took the Keys of the Iron Chest, and took out the Money and the Jewels: *VWilliam Turner* carried two Wallets with four Bags of Money, as he conceives; and Col. *Turner* said, that the said *VWill. Turner* carryed four hundred pounds; and *VWhite* carryed two Wallets more, supposed to be four Bags of some hundred pounds. Col. *Turner* and the other

person

person carryed the rest of the Money, only Col. *Turner* carryed away the Jewels in his two Bags. That *VVilliam Turner* did not see any money, but as they said it was money. They did not stay in Mr. *Tryans* house above an hour. That they carryed all the aforesaid Money and Jewels into a Lodging in one *Nicholas Hickensons* house in *Lonsie-Lane* in *Dukes-Place*, which they hired some days before, pretending it for the use of a Master of a Ship, his Mate, Purser and Boatswain. They carried the money in about ten a clock at night; when the Maid let them in, they blew out the candle, carryed up the Money and Jewels, *VVilliam Turner* going under the name of Purser. Col. *Turner* and *VVilliam Turner* came away that night, and left the Money and the Jewels there; the next morning Col. *Turner* fetcht away the Money and Jewels at five turns to his own house, and saith, that *William Turner* was to have a hundred pounds of the money for his pains; *VVhite* and his friend twenty pounds apiece for their pains, and Col. *Turner* was to have the rest. That *VVilliam Turner* knew not of any of the Jewels, nor *VVhite*, none but Col. *Turner*. That after that night *VVilliam Turner* never saw Col. *Turner* nor the other persons in the Robbery, till himself with Col. *Turner* and others were arraigned for the fact at *Newgate*. Neither did the said *VVilliam Turner* see any Money or Jewels opened; neither did he receive one penny of the money; neither was he in the Compting-House of Mr. *Tryan*. That neither Col. *Turner*'s Wife nor Sons knew of this Robbery, only that they helped him to remove the money away on Saturday morning. That the money was in the house on Fryday at night, when the Constable and Marshal searched his house, but they had hid them. That Col. *Turner* being asked where the Jewels were on Saturday morning, said, he did deliver them at six of the clock to *VVhite* in both the Bags. That the Carkanet of Rubies was not in those Bags. That Col. *Turner* in the conclusion confessed, That he had not done that he did, but that he did lately understand that another person was made Executor, and that he was resolved to have somewhat.

After Colonel *Turner* his Examination, Sir *Tho. Alleyn* told Colonel *Turner*, that the first part of Repentance was Confession, the second Restitution; and he being a Convict Person, and in all probability not likely to continue long in this world, it were much better for him to restore what was another mans, then to think to enrich his Wife and Children, by leaving them that which he knew was none of his: and that one peny of his own Estate left him, would continue longer with him then a pound of another bodies: and thereupon he was pressed to restore Mr. *Tryan* the rest of his money, and the Carkanet of Rubies and Diamonds yet in his custody. This had such a present influence upon Mr. *Turner*, that he said he would immediately go and fetch the Carkanet; which he accordingly did, and delivered the same into the hands of Sir *Richard Rives*, one of the Sheriffs.

January the 19th in the evening.

Clerk. Set *James Turner* to the Bar. *James Turner*, hold up thy hand: Thou standest here convicted of Felony and Burglary, for the felonious stealing of the goods and money of *Francis Tryan*; what canst thou say why the Court should not give thee Judgement to die according to Law?

Col. Turner. My Lord, I humbly desire your Honour, and the Honourable Bench, you would be pleased to grant me a Reprieve.

J. Howel. That we cannot do; the Court must give Judgement upon you: if you can by any means prevail with his Majesty to do it, you may use your interest; but the Court cannot do it.

Col. Turner. I desire your Honours I may be transported.

J. Howel. That likewise is in the power of his Majesty; that he may do if he please; it is not in the power of the Court: we have nothing to do but to give Judgement.

Col. Turner. You do it with others.

J. Howel.

J. Howel. No, not in this case of Burglary; but leave that to his Majesties meer mercy and grace.

Col. Turner. My Lord, I shall humbly desire that my Wife and the two Youths may be discharged.

J. Howel. She is found Not Guilty, and therefore she shall have her Acquital upon the discharge of the Jayl: those that are acquitted, they must be discharged, if the Court do not see cause for their further detention.

Col. Turner. I pray the young man and my Wife may be discharged.

J. Howel. Whosoever are found not guilty, must have their discharge according to Law.

Col. Turner. My Lord, I hope the Bench is satisfied about the young man.

J. Howel. Say no more.

Col. Turner. Your Honours humble servant.

Clerk. Set *James Turner* to the Bar.

J. Howel. I must pronounce the Judgement of the Court, which is, *That you go to the place from whence you came, and so to that place of execution which shall be appointed to you by Authority, there to be hanged by the neck till you be dead; and the Lord have mercy on your soul.*

Accordingly the said Colonel *James Turner* was drawn in a Cart from *Newgate* to *Lymestreet* end in *Leaden-hall-street*, the 21 of *January*, and was there executed on a Gibbet erected for that purpose.

FINIS.

Advertiſements.

A New Survey of the Turkiſh Empire and Government, their Laws, Religions and Cuſtomes, in a brief Hiſtory deduced to this preſent time; with the Reign of the now Grand Seignior *Mahomet* the fourth, the preſent Emperour of that mighty Nation: with a relation of the ſiege of *Newhauſel*.

The ſecond part of the New Survey of the Turkiſh Empire, containing, firſt, the extent of his Dominions, when and by whom conquered; ſecondly, an account of the Tartars; thirdly, the life of *Mahomet* the Impoſtor; fourthly, their Militia; fifthly, their Government Civil and Eccleſiaſtical; ſixthly, the continuation of the Hiſtory. Being the moſt abſolute and compleateſt piece that ever was written of that Nation.

The original and growth of the Spaniſh Monarchy united with the Houſe of *Auſtria*. Extracted from thoſe Chronicles, Annals, Regiſters and Genealogies, that yeild any faithful repreſentation how the Houſes of *Caſtile*, *Aragon* and *Burgundy* became knit and combin'd into one Body. To which are added ſeveral Diſcourſes of thoſe Acceſſions and Improvements in *Italy*, *Africk*, with the *Eaſt* and *Weſt-Indies*, that are now annexed by alliance or conqueſt to the Diadem of *Spain*. By *Thomas Philpot*, M. A. formerly of *Clare-hall* in *Cambridge*.

All ſold by Henry Marſh *at the Princes Arms in* Chancery-lane.

THE SPEECH AND DEPORTMENT OF Col. Iames Turner

At his Execution in *Leaden-Hall-ſtreet* *January* 21. 1663.

Who was Condemned for Felony and Burglary, in Breaking up the Houſe and Robbing of Mr. Francis Tryon Merchant, living in *Limeſtreet*, London.

LICENSED.

LONDON,

Printed by *William Godbid* for *Nath. Brook* at the *Angel* in *Cornhill*, and *Henry Marſh* at the *Princes Arms* in *Chancery-lane*. 1663.

THE SPEECH AND DEPORTMENT OF Col: Iames Turner

At his Execution in *Leaden-Hall-Street*
January 21. 1663.

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LICENSED.

LONDON,
Printed by William Gilbert for Mich. [illegible]
[illegible]
1663.

About Eleven a Clock Coll. Turner *(attended with Mr.* Ordinary *of* Newgate *and another Minister) was drawn in a Cart to a Gibbit erected in* Leaden-Hall street, *at* Lime-street *end; where coming, Coll.* Turner *called the Executioner to him, told him that his Friends were desirous of all his Clothes, and that in Consideration thereof, he gave him* 50 s. *and* 2 s. 6 d. *to drink; and about* 15 s. *to the Serjeants and Yeomen, attending to see his Body and Clothes delivered to one Mrs.* Smith *there. And after said as followeth:*

SIR *Richard Ford*, and you the other Mr. Sheriff, and all you Gentlemen: I am come hither to pay that debt I owe, and that every man owes to Nature; 'tis the just hand of God upon me for my sins, and there is no man hath done me wrong in it; and truely it is my Sins, and the Greatnesse of my sins (and that I am very sensible of) hath brought me hither; and the greatest sin that troubles me and lies upon me (which I hope the Blood of Jesus Christ, nay, I am Confident the Blood of Jesus Christ hath washed all my sins away) is that sin which I was much addicted to, and that was the sin of Prophaneneſſe; of Blaspheming God, of taking his Name in vain. It is truth, I must not onely accuse my self, but in some sense give you the truth of my Conscience. I never heard any man or woman, or what ever they were, swear in my life, but I did tremble

to hear them. For keeping of Company with Gentlemen of Honour (they were men of quality, though that were an ill quality in them) not the occasion of it. I never kept Company with any poor base inferiour People, with any Theif, or any such like base person in all my life, but fled from them, and avoided them, till this accident; truely those poor men engaged in it, I must free them; I brought them into this business clearly and freely; and I beseech you Mr. Sheriffs, as I am a dying man, that you will help those people in this business; Poor silly men. As I was telling you, for that great sin of Swearing: Keeping Company with persons that did swear, I did get a habit of swearing, though I hated it and loathed it, when I observed it in my self, and yet may be did it again, forgetting presently and not observing, being of a hasty nature. It was my rashness and my inconsiderateness that hath brought me hither: Gentlemen, it is expected by all the City, and by all the world that knows me, that I should make some great and notorious confession; It is Truth, I must, and freely do here confesse, as I said before, that 'tis my sins in General, and that sin of Blaspheming God's Name; I did charge my self particular with that is the occasion of bringing me hither; as for the Fact it self, I do tell ye it was my own act, my own contrivance, and the poor souls that are yonder, knew nothing of it.

Gentlemen, you will live when I am gone, there is my two Sons, I here declare; as I expect mercy by and by, at the hands of my Saviour and my God, they are as innocent as any person that looks upon me: For the youngest, my Son *Ely*, he never knew or heard of one penny of the money or business at all; therefore he is clear, he was in his bed that night it was done, and the morning it was removed too & from my house; for the Elder, he never knew of any moneys, or any thing of it only I did tell him, that it was a Merchants money that was broke, and that I would secure it for his Wife and Children; So that he was clearly innocent of any thing of the Fact, of the Robbery of the House, or that it was Mr. *Tryon's* Money; but did carry that Money with me to *Tower-Hill*, as I bid him; so that he is as innocent as the Younger;

You

You understand me Mr. Sheriffs; if you bid your Servant take so much money, carry it, and dispose of it, as you direct him, what is it to him how you came by that money? So that I say, this elder son, he is (I speak in the presence of God) as free as the other.

I do beg and beseech you (Mr. Sheriffs) in the bowels of tender mercy and compassion, that you would go to the Lord Maior, to the Court of Aldermen, that these two poor young men may be discharg'd; let them not lye there until the next Sessions among Theives and Murderers, for they will be utterly undone. They are come from the Loynes of good Parents, my Father was an ancient Reverend Divine, a Parson within a 11. miles of this Town, a godly Minister, 40 odd years Minister of one Parish, no man more beloved then he, a man for charity or for peace, never suffered them to go to Law; he was Justice of Peace amongst them, Mediator for them; if any poor wanted any thing they came to him, he relieved them, he did all the Poors business, and composed the differences of the rich likewise; I am the Son of that Father though an unfortunate Son. My Wife was a Gentlewomans Daughter in *Dorsetshire*, her Mother had a great portion, and is yet living; they are of the Family of the *Foyles*, a 1000 *l.* the old King had of her Uncle, which was lent; they were persons of quality. I say, these Children, they came from the Loynes of an Honorable Divine; this I speak, in reference that you will take that fatherly care that these two poor Boys may be turned out of Prison. Their Mother hath nothing to support them; suppose it your own Wifes case; add not affliction to affliction; restore her Children to her this Night; let me beg it, that God may be prais'd and glorified in the truth of all things. Will you promise it Mr. Sheriffs, that you will endevour it,

Sir *Richard Ford.* I do; I have been ready at all times to promise you any thing which was in my power to perform: but ask not that which is not in my power to grant; you desire they may be discharged to night.

Turner. That's but comparatively, soon as possible.

Sir *Richard*

Sir *Rich. Ford.* I do promise you that this that you have declar'd concerning your Sons, shall be communicated to the proper Judges, and I will endevour that they may be put out of our Goal.

Sir *Richard Rives.* And I will use my endevours in thething.

Turner. Pray do, they know nothing of it, pray put them out, my Wife will want them, she hath no comfort left, and this will ruine her.

Sir *Richard Rives.* We will do our endevours, proceed on.

Turner. I have done, that's for the Children; then for *William Turner*, what he did, he did at my instigation; he carried the money at my entreaty, it was wholly by my direction, therefore let the poor man be likewise discharged, if there be no oher thing against him but this fault.

Sir *Richard Ford.* We will promise that we will take all occasions to give an intimation to the Lord Chief Justice what you have declared, in extenuating of his crime, as he was a hireling of yours.

Turner. I have told you that it was my sins that hath brought me hither; and truly I must deal really with you, this Nation is very full of sin, of crying sins, of sins, that without Gods wonderful mercies the Land will suddenly mourn by his hand; I have every year expected the sweeping plague to come and take away two thirds of the Nation for the sins that lye upon us; and truely notwithstanding the Ministers of God do preach, and call, and crye aloud, yet no body regards them. Truely from the Magistrate to the very Peasant there is abundance of neglect to the true Service and fear of God, that my Soul has bled and groan'd within me as I have gone up and down the Streets, and as I have lain in my bed. And I must ingeniously confess to you, that I have not once or twice, nor a hundred times, but a thousand times, wished my self dissolved, and in another world. I have been sick of it, not for any want, but with the meer trouble, the dislike that did so displease me, to see all manner of business in Tumults and Disorders, and sin, and all manner of wickedness: That truely I have had no pleasure these latter years in the world; indeed I have not. I have to my poor Wife said many a hun-

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dred times, Lord God that thou wert in thy grave and I too, were it not for these poor Children; truely I could beg it of God, seeing all people are in Combustion, none tied in love and unity. When I was a Boy there was no such doings; my Father, I told you, was a Minister, there was eight or ten Gentlemen, adjoyning Families, who kept a house of Hospitality, loving friendship, peace and quietnesse; but now there is no such thing in the world. It is a new world, a world of malice and difference; and 'tis too blame that Brethren do not hang together in unity.

It is expected that I should declare here, as a dying man, somewhat to free my self from those Aspersions, Accusations, and Calumnies that have been laid upon me; those marks with black coals that People have laid upon me, I do declare to you, there is a great many of scandals that lie upon me. I shall not Justifie my self at all, but rather accuse my self, that I am, as St. *Paul* saith, *The greatest of Sinners.* But for those things that are laid upon me, I must clear my Family and my Reputation, as I can before God and in Jesus Christ. It is laid upon me that I should take 200 *l.* of Dr. *Hewyt*'s Lady for to assist her in the helping her Husband, that was in the getting him a Pardon or Reprive. To that I answer (I know not whether I shewed you Mr. Sheriffs, my Ladies Certificate or no, I heard not of this business till within these two nights) I never heard of her nor her Husband in such a manner; no, I would not have had that sin mixed with my blood, not for ten thousand worlds; I should have thought when ever it had entered into my Cogitations, I should have thought my self eternally lost. But about that I sent Mr. *Gray* of *Black-Friers*, who rode 32. miles the other night, and he hath brought a Certificate under her Ladiships hand to the King; which Certificate if they will go to my Wife, they may have it and Print it. She writes showing it to the Kings most Excellent Majesty, that she was informed that *James Turner* Gent. a Prisoner in *Newgate*, is accused for taking 200 *l.* of her towards the Repriving of her Husband; she doth declare she never knew him nor heard of him, therefore she is bound in Conscience to free him; and so she humbly takes her leave; this is attested by that Gentle-

man

man, with an Affidavit under the hands of Sir. *John Brampston* Knight: she got a Letter from Secretary *Thurlow*, wherein he writes, and sets forth all the businesse, that one Col. *Wheeton* had 235 *l.* of my Lady *Hewyt* to procure this businesse; and that *Wheeton* did pretend that he had given *Thurlow* a hundred pound of it to that purpose, which he there under his hand denyed, that he ever received one penny directly or indirectly; so that *Wheeton* was the person clearly accused; and she sent me word she is suing him for the money; So for that I hope I have vindicated my self before God and the World.

In the second place, there is another calumny thrown upon me, and that is, that I should cozen or deceive the King that now is of some money when I was beyond Sea with him; truely, it is well known to thousands of the World, I was never out of *England*, never beyond Sea with the King, never cozened him of a penny; that I have served Him and His Father with all the substance that I had, with my blood, and with all my fortune and goods, as a hearty Subject should, and I pray God receive my Soul but with a drop of his mercy, so sure as I served the old King, and prayed for him, and loved him.

The first Commission that ever I had, was eldest Captain of Horse to *William* Marquis of *Newcastle* in his own Regiment; I gave him the Troop, fourscore and seventeen men well Hors'd, I never received one penny advance for the said Troop, and but one Weeks pay for my self and Officers; and three Weeks pay for my Troopers in all my Life, not a penny more; I served him faithfully four years or thereabouts; I was a Prisoner at *London house*, at *York*, in the *Tower*, at the Council of State, the Court Marshal, the Council of War of *Oliver's*; I was a Prisoner at *Luton* in *Bedfordshire*; bringing the King up from *Newark* to *Oxford* I was wounded, shot in the Neck, and taken Prisoner; and 'tis very well known by Mr. *William Cotton*, who is one of the Gentlemen Harbingers of the Kings, he is the ancientest to this King, and hath served his Father in that Office, it was his fortune to be hard by when I was shot, who was then a stranger to me; but he being one of the Kings Servants, and hearing a Lieut. Col. of the Kings was slain, he

he came in; after I was shot I was crept into a hedge among briars and thorns, so deep, that he was forced to cut a way to come at me, and so drew me out, or I had dyed there: I was brought Prisoner to *Luton*, so to St. *Albans*, where I lay in Cure in the Compter, till it cost me my first penny reckoning 60. odd pounds in gold; they trusted me and took my word, till I could send to *York* where my Wife lived, nineteen miles beyond *York*; when I was able to ride I was brought to Town, put into *London-House*, where I abided and paid my Ransom, no exchange would be allowed; the King that is dead (of blessed memory) sent three exchanges for me, his own Trumpet, Sir *Marmaduke Langdales* Trumpet, and my own Trumpet. The Committee at St. *Albans* returned the Trumpeters word that I was dead, for my wounds were mortal, and so I believe they did think I was dead. Afterwards I had command of more than one Troop, and I was Lieutenant *Col.* to Sir *John Preston*, and was eldest Captain to the Marquis of *Newcastle*.

Sir *Rich. Ford.* I have no pleasure to interrupt you, if you have any thing to say that may fit you for your change, as marks (for avoiding these inconveniences) to the people ——————

Turner. I have done, Sir *Richard*.

Sir *Rich. Ford.* I do not apprehend this a proper work for a dying man, but, in good earnest, methinks it is not a proper work for you to give this Narative now of the Affairs in the Army.

Turner. I have done; I have but a few words more, I have wholly told you that it was my own contrivance, and no bodies else that I come hither, and therefore I do justly suffer here by the hand of God and justice; and I do desire all Christian People that either hear me, or see me, or shall hear of me, that they will take warning by me, it is the first offence of this nature that ever I had to do withal in my life, God is my witness; as I said before, I never knew a Thief or dishonest man but I avoided them: But I say, and I could wish with all my soul, and I desire it earnestly, that

all people would take warning by me this day, and to avoid as much as may be, all sins in general; and *I* must declare to you likewise, that if it had pleased God that two of the Officers had not met me, and arrested me in St. *Mary-Ax* between two and three of the clock, and carried me here to the Hoop Tavern, where they staid me, Mr. *Tryon* had had every penny worth of his Goods and Money, and not lost one farthing, nor a hair of his head; but God forgive them: But a great deal of blame hath lain upon me about those Villains, who were half drunk, and beat Mr. *Tryon*: *I* say he had had all his Goods again; God above, that hears me, knows my soul, it was not intended to rob him, or to hurt him, it was to engratiate my self for some reasons *I* told him yesterday. He is the worse man the best part of 10000 l. since his Wife dyed, and *I* had lately discovered which way and how: *I* have told him of the person, but this is not a place to name him, or speak of these things; *I* hope God will give him wisdom to avoid dangers, & to make good use of what I told him yesterday; a worse thing will come; for he will be robb'd indeed if he have not a care: He should have been robb'd about a year since, and he did imploy me to enquire after it, and discover it. *I* have given him warning several times: He is an honest brave Gentleman, a good Christian, and an honest charitable man. But Mr. Sheriffs, assure your selves, so sure as *I* am going to heaven, *I* shall be there in glory, so sure had Mr. *Tryon* (if *I* had not met with these two foolish timerous Officers) have had his goods and money again, there never had one word of this business been known: 'Twas a sad fate, that these two fellows out of a little fear should be the occasion of my coming hither; but God forgive them; *Stubs* and *Lyon* *I* mean; these two villains, *I* have no body to thank for my blood but them, and yet do *I* free them, and freely forgive them: and *I* forgive the whole world, as freely as *I* desire God and Christ Jesus should forgive me. Mr. Sheriffs, are you satisfied in this? would you have me say any more touching the fact?

Mr. *Sher.* It is satisfaction to us, if you are satisfied your self.

Turn.

Turner. This morning as I was coming out of the Prison, to add scandal to scandal, one came and charged me I should clear my self about a fire in *Loth-bury* in the new buildings, whether I had any hand in that, the Lord Jesus Christ knows my soul, till even now they askt me the question, I never thought of it, but was then heartily sorry, and in my bed when I heard of it.

Another sent me a Letter, but I tore it, one *John Marshal*, touching some money that was lost in *Coleman-street*, he might as well have askt the person to be born, as to have askt me, for I knew not of it. And one brought a Deed of one *Katherine*, I forgot her other name, alack I know nothing of it. There was another large paper put into my hands, touching a man that died in my house, one *Turner*, a tall proper Gentleman, a Clothier of Kent, he came to my house and desired me to furnish one *Daintry* with five hundred pound, which he had a place at the Custome-house for; this *Turner* was a stranger to me, only a namesake, it is thought as by the paper was hinted that he should have something put into his drink, which should occasion his death, he drank nothing at my house more then what my wife and self, and two or three honest Gentlemen that were there. He told my Wife once, Cozen (saith he) I am very ill, pray give me a cup of your water; he had drank a glass or two of wine, there was but one Bottle among five of them, and soon after this Gentleman fell asleep with his hand on his cheek, and never waked again, he dyed of an Appoplexy or Lethurgy, as the Coroner found it, I must clear my self of this because I have received a paper; it was at the end thereof hinted; whether I did not know if *Daintry* was not concerned in his business, the man could not put any thing into our drink sure, I have heard of your Spanish tricks, but I must free *Daintry* of that according as I understand it. He was to do *Daintry* the courtesie, and surely he would not so reward him. I believe *Daintry* was as free as any body, but the Jury and Coroner did return that he died of Gods visitation, a natu-

ral disease, and I hope *I* have satisfied the world of that.

Mr. *Ordinary* of *Newgate*. Pray Col. *Turner* know you nothing of a glass jewel, delivered to the Countess of *Devonshire* in the room of another.

Turner. *I* know nothing of such a thing, *I* never had any jewels of her in my life; she is an Honourable person, she will not speak of such a thing.

I will now give account of my faith. *I* have been bred up a true Protestant of the Primitive Church of England, my father bred me, and instructed me very strictly in the Law of God, *I* will not tell you when *I* come to Prentice, ile let that alone; *I* am free of the Company of Drapers, and *I* have lived civilly and honestly in St. *Martins* at the upper end of *Cheap-side*, and *I* am sure there is a thousand sorrowful souls, and weeping eys for me this day.

Sir *Richard Ford*. Pray put that little time that you have to spend here to better use, and leave off these relations.

Turner, Have a little patience, let me satisfie the World of some particulars; *I* was a constant Church-man, tis well known to my Parishioners, *I* never durst see any man in the Church with his hat on, it troubled me very much; if a man comes before a Judge on Earth, he is not suffered to wear his Hat, muchless should they before the Magistrate of Magistrates, the God of Heaven.

Sir *Richard Ford*. Hear me one word, those Reverend persons about ye, methinks they should admonish ye to leave off these discourses.

Mr. *Ordinary*. We press to the condemnation of a mans self, that he might be justified in Gods sight.

Turner. Mr. Sheriff, *I* will hold you but a very little while longer, *I* do hear truely confess that *I* have been, as *I* have said, a very great sinner, guilty of all sins in the world.

Master *Ordinary*. Speak to some particulars.

Turner.

Turn. Pray be quiet, can ye? ——— Especially that of Profanenes; I am truly sensible, heartily sorrowfull for my sins, and I do beg of God of his infinite Mercy, through the merits of Christ who died for me, to wash away all my sins, and all the sins of this people here present, and all the sins of the whole world. I do beg, that God will open the heart of any man that staggers in Faith, to confirm him. I do say, and pawn my Salvation upon it, and I will, That no man dare gain-say that *Jesus Christ died for sinners, of whom I am chief.* That man that layes hold upon Christ by Faith, the Gates of Hell shall never prevail against him. Truly, I am thought to be a great drinker, a company-keeper; my occasions did call me to Taverns, but I bless God, I think there is no man (pardon me, for I will not speak it with ostentation) I hope no man ever saw me disguised in drink, to my knowledge, except it was when I was a Boy. I am truly, heartily, and sincerely sorrowful for my sins: I do confess them before my God and the whole world, that the least of my sins are able to throw me into Hell; but that the blood of *Jesus Christ* that doth wash away the sins of the whole world, hath purged and cleansed mine. I say, I do here heartily, solemnly and wholly confess my sins, and am truly sorrowfull for them: that is my confession, with more trouble of soul then I am able to express. Here I have made my true and faithfull confession: in the second place, I have made restitution, so far as in me lay; the Gentleman hath every one of his Jewels again, every farthing-worth, nay he hath two thousand pounds worth more then he missed, therefore there was no intention of Felony; but my sad fate in meeting with those two sad Officers (God of his mercy everlastingly forgive them).

Mr. *Ordinary.* Express your charity as to the world.

Turn. Do not put me out of my way, I must go step by step. First, I have given you my confession; Secondly, I have made restitution, I have restored all to my power: the third thing that is behind of a Christian is my true and unfeigned Repentance, and my Charity to the whole world; that God

that

that is the searcher of all secrets, that tries the reins, that knows all the inner-parts, knows my soul, that I long and desire to be with *Jesus Christ* in glory.

M. *Ordinary*. Which is best of all.

Turn. I am in perfect charity with the whole world: It is expected by some that I should fall upon some persons to recriminate on them; I shall not do it, the Lord God of his infinite mercy forgive them. It was reported to his Majesty, that on Sunday last I was drunk, and that I abused this reverend person Mr. Ordinary: this news was brought me by some that were present when the King was told such stories, that I was drunk, and ranted, and swore *God dam me* and *God sink me*, and that I had five thousand pounds, and I would have a pardon, and cared not for the business, and would have a pardon when I please. This great reproach was thrown upon me to the King, and that with some other scandals has taken off the K. affections: but this is altogether false; for Mr. *Hicks* my Landlord can tell, that on Sunday morning he would have had me drank my mornings draught I told him No, I would not drink: I onely drank one small cup of Cyder in the morning, two little glasses of Sack, and one glass of Claret at dinner. I went to Church with this reverend Gentleman, where I received a great deal of comfort for my soul, for which I thank him: he made a sound Scholar-like Sermon, and fit for persons in our condition. I did observe they wanted a Clerk, and I took upon me to officiate as Clerk, and I was happy I had that opportunity. I came home, and remained in my Chamber. About eight or nine a Clock, Justice *Stringer* in Chancery-Lane, and two or three Knights and persons of quality, eight or nine in all: they had one bottle of Sack among them, of which I drank one little cup. And for the swearing of those Oaths, I did not do it, I hated them: they were untruths, and the Lord forgive them that raised that scandal. Sir, I must desire that you would now joyn with me in prayer, but I have forgot one thing, it is short; That night the Sessions broke up, I was put into the Hole, it is a most

fearfull

fearful, sad, deplorable place, Hell it self in Comparison cannot be such a place, there is neither Bench, Stool nor Stick for any person there; they lye like swine upon the ground one upon another howling and roaring, it was more terrible to me then this Death; I would humbly begge that Hole may be provided with some kind of boards like a Court of guard, that men may lye down upon them in ease, for when they should be best prepared for their ends, they are most tormented, lying only upon the ground, they were better take them and hang them as soon as they have their Sentence.

Jackson the Keeper; Seventeen out of nineteen made their escapes out of that Hole, they having only a Form there.

Turner. I did with these poor Souls pray heartily; none were able to pray poor creatures, two were dying; I prayed with them, comforted them, assisted them, and gave them five shillings when I came out of the Hole: now pray joyn with me in prayer.

Sir *Rich. Foard.* If I did think there were a Reprieve to come for you, I could be contented to spin out the time thus, but in good earnest I expect none; unless you had an apprehension you were not to dye, you would not thus run to so many impertinencies, that methinks cannot fit you for death.

Turner. Truly I expect none, pray joyn with me in prayer.

His Prayer.

O Lord God Almighty, and everlasting Father, Maker of Heaven and Earth and of all mankind, and all things therein contained, I thy wretched miserable Creature make bold here to prostrate my self at thy foot-stool humbly beseeching that in the dolorous Passions of Jesus Christ thou wouldst blot out

my

my Transgressions? O Lord, I am covered all over with sins and iniquities, as with Leprosie from the crown of the head to the sole of the foot, and who shall deliver me? but the blood of thy Son Jesus Christ. O Lord God I have had a fear of thy holy Name, a true and unfeigned love towards thee, but O Lord thou knowest when I would do good evil is present with me. I am loaden with Transgressions, and the wait is too heavy for me to bear, O Lord make my yoke easie and my burden light. O Lord God, thou canst as easily do as speak it, say but the word and it is done. O Lord, for thy Son Jesus sake bless with the eternal and everlasting glory in this world and in the world to come my Gracious King, Queen, Queen-Mother, the Duke of York and all that Family. And that thou in thy great Mercy would make me glorious in this world and the world to come. I do desire my poor soul may be happy with thee in glory. O Lord bless all his Magistrates from the greatest to the least, endue them with thy fear, put the sword of Justice into their hands that they may eschew evil and do good, root out covetousness out of their hearts, O Lord God, I beg this for thy mercy sake, to strike them with such a perfect fear, that though they have many of them done amiss that thou wilt forgive them and let them never do so again. O Lord my God bless the Gentry, Nobility, Magistrates of this City, as of the whole world all in general, that thou would'st be pleased to bless the Commonalty, guide them in the path of Jesus Christ: If they are in Christ they have all in all. Pray God bless the Tribe of Levi, *the Clergie throughout the whole world, from the greatest to the least, from him that sits on the Throne, the Archbishop; to the*

least

least inferiour Ministers and Parsons. Give them into their hearts a true love, that their lives may be answerable to their Doctrines, and become good examples to all them that hear them. And now, O Lord, I beg of thee, that the Ministers that thou hast bestowed upon this Nation, and other that profess Jesus Christ, may daily encrease more and more, and that they may grow and live, and have blessings showred down upon them, that their hearts may be filled with good things. Lord, I have known when I was a youth, that there was not a tenth of that wickedness that is now committed; none heard of them: now we should have grown better, we have grown worse: Call them back, O Lord; it is as easie with thee as to speak. Good Lord, bless this Parish wherein I live, the Minister and Lecturer, and all my Neighbours; and pour down a double blessing of thy Spirit upon them. For my poor Family in this Parish, I humbly beg in the bowels of thy Son Christ Jesus, that thou wouldst be a Husband to my Wife, a Father to my Children, a Guide, Protector and Director to them all in general: guide them, strengthen them in those comforts which last night I gave them; and that my Wife may not afflict her self, but rejoyce, that God hath called me in his due time, that I am not taken away by any sudden death, which I always prayed against. O Lord, I have but a short time here, but it is thy mercy that I have had time hitherto: I have deserved none, O Lord. Thou tookest away a Gentleman the other night, one Mr. Snell, a Gentleman at the Cock in Lumbard-street; O Lord, he had shorter warning then I: I am bound to thee for it, although I had but a day. I humbly beseech thee to stand by me in this my day of tryal, and moment of tribulation. O Christ, come in unto me; I do lay hold upon thee; I do beg that thou that hast

promised that whosoever shall repent of his sins, thou wilt blot out his transgressions. Lord, I do repent with an unfeigned repentance never to be repented of; and I beseech thee, good God, that in and through Jesus Christ, who hath washed away all my sins in his Blood, that thou wilt freely receive my Soul when it goes from hence, into blessedness.

Some private Ejaculations.

Lord, I have often wished to be translated to thee, and thou hast granted me my request: I give thee humble and hearty thanks, O Lord God. Give me, I humbly beseech thee, a true and unfeigned sight of my sins: O Lord God, they are grievous, I loath them. Lord God, thou knowest I believe, and I trust and depend upon thee; I rest upon thy Son Jesus Christ and his sufferings: I have none in Heaven but thee, and there is none upon earth that I will seek after besides thee: there is no trust nor confidence to be put but in thee, and thy Son Christ Jesus. I commit my soul and body into thy arms. Lord God, guide, direct, protect and keep, and everlastingly preserve me. Pour down thy mercies upon all these thy people, and sanctifie my afflictions to them, that they may take example by me; that they may not run into sin, nor commit wickedness, but that they may set a watch upon their mouths, and their eyes, and that their tongues speak no guile. Good God, forgive me that sin of taking thy Name in vain: make up my loss to my wife and children, with thy merciful pardon and forgiveness of their sins. I shall be with thee in Paradise. O Lord my God, thou didst feed my soul in the Sacrament, refresh-

freshed me, comforted me in that blessed Ordinance. O Lord, take not thy Spirit from me, but go on with me still; and Lord Jesus receive my poor soul. O Lord God, what shall I render unto thee for all thy benefits? In sacrifices thou delightest not, but in a broken and contrite spirit; O that is acceptable unto thee. The pangs of death are not terrible to me; it is thy mercie that I am not afraid of it, nor ashamed of it; Christ died upon the cross to sanctifie this affliction: make me truly sensible of thy mercie, and let me have an assurance of thee. Hear thy servant in distress: for thou hast promised that if a sinner knock, the door shall be opened; if he seek, he shall finde: Lord, I do beg in the bowels of thy Son Jesus Christ, for thy mercies sake, for thy goodness sake, for all thy Attributes sake, that thou wouldst receive this poor soul of mine, for thy Son Christ Jesus sake, who hath taught me further to say, *Our Father which art*, &c.

Here Mr. *Weldan* the Ordinary of *Newgate* joyned with him in Prayer.

Mr. *Ordinary*. The Lord Jesus have mercy upon thee.

Turner. Mr. Sheriffs, God be with ye; pray remember my duty and respects to my Lord Mayor, and to all the Aldermen, and to all their Families.

Executioner, I charge you meddle not with my clothes.

Serjeants. Colonel *Turner*, wee'l take care of them.

Turner. Lord, I am assured to be with thee in glory; I do rely and depend all in all upon Christ; refuse not my soul at the last hour: I have none in Heaven, nor none in Earth, nor any thing but thee to rely upon; and therefore into thy hands both now and for ever I commit my soul, my body, my spirit, in sure and certain hopes of a joyful Resurrection at the Day of Judgement, where I must appear and give ac-

count for my sins, but Jesus Christ hath washt them away in his blood. Pray Doctor let me beg you to read those verses in the second of the *Hebrews* to comfort me, being the 14, 15, 16, 17 & 18. vers. *For asmuch then as the children are partakers of flesh and blood, he also himself likewise took part of the same, that through death he might destroy him that had the power of death, that is the Devil: And deliver them who through fear of death were all their life-time subject to bondage. For verily he took not on him the Nature of Angels; but he took on him the Seed of Abraham. Wherefore in all things it behoved him to be made like unto his brethren, that he might be a merciful and faithful High-Priest in things pertaining to God, to make reconciliation for the sins of the people; for in that he himself hath suffered, being tempted, he is able to succour them that are tempted.*

After this he gave 40 *s.* to a Minister, to be given to the poor of that Parish, and 18 *s.* 6 *d.* more to be delivered to his Wife, to be given to his young Sons School-Master.

Mr. *Jackson*, God be with you; remember me to my Landlord, and all there: My two children, I hope, will be freed. Mr. Sheriff, must I hang all day?

S. *Rich. Ford.* You will be cut down as soon as you are dead.

Turner. Pray tell me true, Mr. *Sheriff.*

S. *Rich. Ford.* You will not hang above half an hour.

Thereupon he directed the Executioner to take off his Halter from his shoulders, and afterwards taking it in his hand, kisses it, and put it on his neck himself. Then after he had fitted his cap, and put it on, he went out of the Cart upon the Ladder. The Executioner tyed him up; and pulling the Rope a little, says *Turner*, What, dost thou mean to choak me? Pray fellow give me more Rope. What a simple fellow is this! How long have you been Executioner, that you know not yet how to put the knot?

Mr

Mr. *Secker* Minister, out of a Window near. Mr. *Turner*, have you remembred those four things I spake to you of?

Turner. I have done them.

Mr. *Secker.* I trust this hour of heaviness will be an hour of happiness.

Turner. I am assured of it.

Mr. *Secker.* A living Christ in a dying hour is the best of all: the Lord be with you, and the Lord carry your soul safe thorow the jaws of death, to the joys of life.

Turner. I doubt not but through a dark cloud I shall see a bright Saviour. *Executioner*, look ye turn me not off till ye have the sign from me, which shall be by laying my right hand on my left shoulder. The Lord God forgive thee, and I do.

In the midst of some private ejaculations, offering to pull down his cap, he espyed a Gentlewoman at a Window nigh, kissed his hand, and said, Your servant Mrs.----His cap being pulled down, he lifted up his hands, and said, I disclaim any desert of mine own, there is nothing in me; look upon me through Jesus Christ: Lord Jesus receive my soul; and thereupon giving the sign, the Executioner turned him off, and after some short time he was cut down, and his body conveyed to a house near, there to rest for a space till they provided for him decent burial.

The confluence of people from the Gaol to the place of Execution, was very great, beyond the memory of any upon the like occasion.

During his impisonment, and to the last breath of life, his carriage was very undaunted.

F I N I S.

An Advertisement.

THere is now in the Press ready to be published, An Exact Relation of the Life and Conversation of Col. *Turner*, as it was imparted by himself to an intimate friend, as a full satisfaction to the World of his Actions and Deportment. Whereunto is added the manner of his Execution; lively represented in a Copper Plate: in Quarto, the price *6 d.* To be sold by *Nath. Brook* and *Hen. Marsh*; at the Angel in *Cornhil*, and the Princes Arms in *Chancery-lane*.

The second part of the New Survey of the Turkish Empire, containing, first, the extent of his Dominions, when and by whom conquered; secondly, an account of the Tartars; thirdly, the life of *Mahomet* the Impostor; fourthly, their Militia; fifthly, their Government Civil and Ecclesiastical; sixthly, the continuation of the History. Being the most absolute and compleatest piece that ever was written of that Nation. Sold by *Henry Marsh*.

An Advertisement of Remarque.

THe true and impartial account of the Arraignment, Tryal, Examination, Confession and Condemnation of Colonel *James Turner* for breaking open the House of *Francis Tryan* Merchant in *Limestreet London*. With the several Tryals and Examinations of *John Turner*, *William Turner*, *Mary Turner*, and *Ely Turner*, confederates. At *Justice-hall* in the *Old Bayly London*, the 15, 16 and 19 of *January*, 1663.

Licensed by *Roger L'Estrange*.

Sold by *Nathancel Brook* and *Henry Marsh*. Price 1 *s.*

The Unhappy Marksman. 74

OR

A Perfect and Impartial DISCOVERY OF That late Barbarous and Unparallel'd MURTHER

Committed by Mr. *George Strangwayes*, Formerly a Major in the KINGS Army, on his Brother-in-law Mr. *John Fussel* an Attorney, on Friday the Eleventh of *February*.

Together with a full Discovery of the Fatal Cause of those unhappy Differences which first occasioned the Suits in Law betwixt them. Also the behavior of Mr. *Strangways* at his Tryal. The dreadful Sentence pronounced against him. His Letter to his Brother-in-law, a Member of Parliament. The words by him delivered at his death; and his stout, but Christian-like manner of dying.

Published by a Faithful Hand.

Ovid. Trist. lib. 5.
Strangulat inclusus dolor, atque cor æstuat intus.

London, Printed by *T. N.* for *R. Clavell* at the Stags-Head in St. *Pauls* Churchyard by St. *Gregories* Church. 1659.

The unhappy Marksman.

OR

A perfect and impartial Discovery of

that late barbarous and unparallel'd Murther committed by Mr. *George Strangwayes*, formerly a Major in the Kings Army, on his Brother-in-law Mr. *John Fussel* an Attorney, *&c.*

SInce the various Relations of this Sad and Horrid Act (even in the City where it was committed) are so many, that the Illegitimate Births of those corrupted Parents, must of necessity fill more distant places with so spurious an issue, that when it comes to be nurst with those usual Adjuncts, which either Envy or Love will extort from most Relators, it may possibly grow to so monstrous a form, that all the *vestigiæ* of verity must of necessity be lost in its variety of disguise. Wherefore it was thought fit by one that is not onely a lover of truth, but an honorer of both the parties deceased, ere a farther travel hath warmed her with Impudence, to unvail Report, in so clear and impartial a discovery, as may neither deform the Truth, nor disgust their Relations.

Mr. *George Strangwayes* (commonly known in the Country where he chiefly resided by the name of Major *Strangwayes*, an Office which he had with much honor and gallantry performed in the first unhappy War) was second Son to Mr. *James Strangwayes* of *Mussen* in the County of *Dorset*: A Gentleman of an antient and unblemished Family, whose vertues this unhappy Son of his, till sullied by this rash act of ungoverned Fury, did rather seem to illustrate by a constant course of worthy and manly actions, then any wayes to degenerate from the best atchievments of his most successful Predecessors. He was now about the Five or six and fortieth year of his age: A person that had a brave and generous Soul included in a stout and active Body. He was of stature tall, and framed to the most Masculine proportion of Man; his constitution such as rather fitted him for the active employments of busie War, then the more quiet affairs of Peace-affecting Studies; yet was he not so much a stranger to those Arts, which are the adorning qualifications of a Gentleman, but that he had sacrificed to *Minerva*, whilst in the Temple of *Mars*; and in the most serious consultations, had always a judgment as dexterous to advise, as a heart daring to act. What he appeared most unskilled in, was *Loves* Polemicks, he having spun out the thred of his life without twisting it in Matrimony.

He was in some trivial actions, performed since the time of his imprisonment, condemned for a parsimonious sparing, too low for the quality of a Gentleman; which if true, I much wonder that he whose former frugality was but the Childe of Discretion, being now so near a Supersedeas from all the afflicting wants Mortality trembles

trembles at, and having none of his Relations, whose necessities craved a subsistence from what he left behinde, should near his death save that with Dishonor, which in his life he spent with Reputation.

But to detain thee no longer with the character either of his Person or Qualities, which probably some of his many enemies may unjustly censure for partiality; I will hasten to as full a relation, both of the original ground of their unhappy difference, and the fatal conclusion of his implacable wrath, as it hath been possible by the most diligent inquisition to obtain, both from the neareſt in acquaintance to both parties, and such ocular informations as were observable in much of the time from his Sentence to his Execution.

The Father of Mr. *Strangwayes* dying about some ten years since, left him in possession of the Farm of *Mussen*, leaving his eldest Daughter Mistress *Mabel Strangwayes*, since Wife to Mr. *Fussel*, his Executrix.

The Estate being thus left, Mrs. *Mabel* being then an antient maid, Rents the Farm of her brother *George*, and stocks it at her own cost; towards the procuring of which stock, she ingaged her self in a Bond of Three hundred and fifty pounds to her brother *George*: who presuming on her continuance of a single life, and by consequence that her personal estate might in time return to those of her then neareſt relations, of which himself had a just reason to expect (if not the whole) the greateſt share; he not only intrusted her with the forementioned Bond, but likewise with that part of the Stock, and such utensils of the house, as by his Fathers will properly belonged to himself, which he presumed she could better secure, passing under the notion of hers, then he whose whole

Estate

Estate was liable to the dangerous hazard of Sequestration, a disaster so epidemical, as many thousands besides himself by sad experience know, that honesty, the common peservative against other Calamities, was the principal means that made them obnoxious to this.

His Estate being (as he then conceived) thus in a fair probability of preservation from those Vultures of a Commonwealth, Sequestrators, by the calm neutrality of a discreet sister; they for some time lived very happily together, he making the Farm of *Mussen* the common place of his residence. But on a sudden the Scean alters, and she whom he thought age, and a long continued single life had imprisoned too fast in her Virgin-ice, ere to be thawed with the thoughts of a matrimonial life, began to express some resentments of affection towards Mr *Fussel*, a Gentleman of good esteem in the Country where he lived, and of much repute for his eminent abilities in matters of Law: He had formerly bore Arms under the same Royal Standard which Major *Strangwayes* did: In which troublesom time of Action he alwayes proved himself a very usefull Member of that unfortunate Army, serving them faithfully, till their sad declination, with many other noble sufferers, inforc'd him a long time to mourn both his and their calamities in a uncouth Goal. His ordinary place of residence was now in *Blandford*, an eminent Town in *Dorsetshire*; in and about which place, through some that feared his vigorous proceedings in the Law, may seem glad to have their weakness protected by the absence of so able a Prosecutor; the major part, especially such as had the happiness to experiment his honesty and ability in solliciting their causes, will with a far greater weight both of Reason and Religion

Religion, have a just cause to repent so considerable a loss.

But not to dismantle too many of those unhappy differences which were the prodigious Monsters that first hatch'd this horrid murther, it looking too much like a crime to pollute the ashes of the dead with the sins of the living, wishing all the enmity, that like *Hidra*'s fruitfull heads may spring up between the Friends of both the deceased Parties, were sepulchred in their Graves; we will onely insist upon what appears to be the first and most fatal Argument of their quarrel. Mrs *Mabel Strangwayes* now no longer disguising her affections to Mr *Fussel*, being then a Widower, lets her resolutions discover themselves in so publick a way, that it soons arrives to the ear of her discontented brother, who, though not apparently for any former hate between them, yet (as is most likely) doubting those abilities of Mr *Fussels*, which (since in relation to the Law) he with many others were pleased by an easie metaphor to term Subtilty, might, if not prejudice him in part of his own Estate, yet wholly deprive him of that part of his Sisters, which before hope (grounded on fair probabilities) told him he was of all men most likely to enjoy.

To prevent this approaching storm, he lets his sister know his disgust of her intended marriage; and being farther exasperated by his unmoveable constancy (as it is affirmed by the Friends of Mr. *Fussel*) broke out into such exuberate expressions of Passion, that to her terror he affirms, if ever she married Mr. *Fussel*, to be the death of him, either in his study or elswhere; which bloody resolution since the time wherein those black thoughts disvelloped themselves by action, she hath under her

hand

hand confirmed (as is reported by the relations to Mr. *Fussel*) by several Letters; but such, as since they contain little (besides this asseveration) concerning our present purpose, I shall omit the inserting of them, presuming all wives (especially good ones) need not a pattern by which to be taught to mourn such losses as these.

To trouble thee no further with a digression, whilst this paroxism of his passions continues in such a dreadful vigor; he and his sister are parted, at which time (as she pretends) he unjustly detained much of the stock belonging to the Farm, which either by her fathers Will or her own purchase was properly hers; withal she denies any such thing as the sealing the forementioned Bond, pretending it onely a forgery of her brothers.

On the other side, he complains of injuries done to him of no less extent, then the endeavoring to defraud him of a part of his Estate, besides the money due by Bond. These were the differences which first fomented a rage not to be quench'd but by blood, over which part unspotted justice spread her wings. Who groan'd under the burthen of afflicting wrongs, or who had the greater unhappiness to be the oppressor of the innocent, since the Law hath left it undermined, I think it not onely an audacious presumption, but savoring very much of partiality, and a soul biast by a self interessed-affection, then of an even and equal temper'd friend, in whoever should so peremptorily affirm the justice of one cause, as to brand the other with an ignominious scandal of forgeries and oppression. Their bodies are both at rest in their silent dormitories, their souls no doubt triumphing in eternal joyes; and shall we, we whose uncertainty of life,

and

and certainty of Sin, and its consequence Death, which we know not in what shape the eternal Disposer of the Universe will send to assault us, with uncertain censures sully their memories, the onely and that doubtful remainder of swiftly fading mortality; no, let their Fames rest as peaceable as we know their bodies, and hope their souls do: If thou hast been a friend to either, be not so much an enemy to thy self, as to abuse the other, but let thy resentments of love or sorrow rather disvellop themselves in a sober and silent pity, then loud and clamorous censures, that being the dress in which I can assure thee it will appear most lovely to the view of those, which having to neither party any more of concern, then what pity extracted from the goodness of their natures, look upon the action with a general sorrow, upon the parties deceased with a charitable remorse, and upon their surviving Friends with the wishes of a hearty reconciliation.

And here (though I would not have it look like flattery) he being a person I have little acquaintance with, and one that probably may never know me as Author of these Papers; I cannot chuse but commend the calm and equal temper of Mr *John Fussel*, eldest son to the Gentleman that was slain, who as well by the publick report, as by my own private experience, (I having been since some time in his company) I finde to behave himself with that comly discretion, that though he did violently prosecute him as his fathers Mutherer, he hath not been at any time heard to let fall any undecent language concerning his uncle *Strangwayes*, but such as appears to express more sorrow for the offence then envy to the man; a temper, which by preserving will gain him (whilst

living) the love of all, whom the common invitation of a general pity, or the nearer call of Relative respects, summons as Mourners for either of the lamented dead.

I have now done with the Introduction to this tragick and dismal story, having unravelled as many of those, almost occult causes, by which being first propagated, it since hath been made horridly publick, as civility or necessity in enucleating the truth requires: For he that would see more, it is his best course to confer with their Counsel, and look over the large impertinencies of litigious Courts, then to expect them in this piece, whose small bulk by as much of their sense, as in an ordinary Dialect might be expresst in two Lines, when stuft with their Fucagoes of tautologies, would be swell'd beyond its intended growth: Wherefore to leave that to those it more concerns, I shall hasten to reveal how he carried on the design, since any discovery on his confession argues he intended to murther him. Mr. *Fussell* both for the better prosecuting his own Suits against his Brother *Strangwayes*, as likewise for the following of several Causes for many others, he being a man of very great employment, being in this City on *Hillary* Term last, had his Lodging one story high at the sign of the *George* and *Half-Moon*, three doors farther without the Bar then the *Palsgraves*-Head Tavern; opposite to a Pewterers Shop: He being retired to his Lodgings between Nine and ten (not having been in it above a quarter of an hour before the fact was done) he sitting writing at his Desk, with his face towards the Window; the Curtain belonging to it being so near drawn, that there was onely left room

room enough to discern him, two Bullets shot from a Carbine, strook him, the one thorow the Forehead, and the other in about his Mouth, the third Bullet or Slug stuck in the lower part of the Timber of the Window. The passage where the other two came in (since in the corner of the Window) being so narrow, that little more then an inch over or under, had saved his life by obstructing their passage. But

Nemo tam divos habuit faventes
Crastinum ut possit sibi polliceri.
Sen. in Hypol.

His appointed time was come, and those eternal decrees by which all men are ordained once to die, had stinted the farther progress of his life to this fatal minute. In that *punctillo* of time, wherein the Bullets stroke him, ere giving warning by a dying groan, or being tortured by those almost inseparable concomitants of death, convulsive motions, he is in an instant disanimated; the swiftness of the action not giving warning to his Clerk, though then in the Room, to assist his murthered Master; till perceiving him lean his head on the Desk, and knowing him not apt to fall asleep as he wrote, conceiving that some more then ordinary distemper was the cause of it, he draws near to assist him, but being suddenly terrified with the unexpected sight of blood, such an amazing horror seises him, that for the present he is in a dreadful extasie lost to action; but speedily recollecting himself, he with an hasty summons calls up some of the Houshold, by whose assistance he discovers what sad disaster had bereaved him of his Master; they speedily make down into

the ſtreet, but found there nothing that might light them with the leaſt beam of information, all (as if directed by thoſe evil Angels that favor ſuch black deſigns) appearing, as they conceived, more ſilent and ſtill then is uſual in this popular City, at that time of night. Officers are raiſed, and Mr. *Fuſſels* Son acquainted with the ſad news; who ere he could ſpare time to mourn his Fathers unexpected death, muſt with more active paſſion (as near as thoſe dark ſuſpitions, which onely directed them, could give leave) proſecute his revenge: Several places are troubled with a fruitleſs ſearch, the firſt that was apprehended, being a Barber, whoſe Lodging being in the ſame Houſe with Mr. *Fuſſels*, and he that night abſent, gave them very pregnant cauſes of ſuſpition, all being aggravated by the wilde humor of his Wife, and ſhe exaſperated by the extravagancy of her Husband, as if ſhe had done it purpoſely to foment their ſuſpition; beſides that conſtant torrent of her paſſion which ran with the uſual current of ordinary ſcolds, had ſome colateral ſtreams of expreſſions; that had not the hidden providence of the Almighty, Protector of Innocence, by as much of miracle, as this latter age hath heard of, diſcovered the author of the murther, it had without doubt waſted her Husband to a Gibbet; but preſuming that for what ſhe did then in the hot intemperance of a jealous rage, ſhe hath long ſince made a calm recantation, I will here give no farther occaſion of continuing a difference betwixt them, but go on in the proſecution of my ſtory, which proceeded thus.

Having yet apprehended none that they had on former differences, any important reaſons to ſuſpect; Yong Mr. *Fuſſell* calling to minde thoſe irreconcileable quarrels

which

which had of long time been between his Father and his Uncle *Strangwayes*, and knowing him to be a man whose impetuous rage had formerly been so often allayed in blood, that though then the motive to it, being a legitimate War, made the action not onely honest but honorable; yet being so well verst in that killing trade, he might still retain enough of the sharp humor, to acuate his anger into so vindictive a guilt, that he might be prompted to act what weaker spirits would tremble to think.

Upon which considerations, he propounds to the Officers the apprehending of him, which motion finding a general approbation, is suddenly prosecuted, and he apprehended between two and three in the morning, being then in Bed at his Lodging in the *Strand*, over against *Fvy-bridge* at one Mr. *Pims* a Tailor, a door on this side the Black Bull. He being now in the Officers custody, is had before Justice *Blake*, by whom, although with an undanted confidence denying the act, he is committed to *Newgate*; where remaining till the next morning, he is then by a Guard conveyed to the place where Mr. *Fussels* body lay, where before the Coroners Jury, he is commanded to take his dead Brother-in-law by the hand, and to touch his wounds, a way of discovery which the defenders of Sympathy highly applaud. On what grounds, here is no place to dispute; but here the magnetism fails, and those effluviums, which according to their opinion, being part of the *Anima media*, tenatiously adheres to the body, till separated by its corruption, being the same that by united atomes becoming visible, composes those spectrums that wander about the Cænotaphs and Dormitories of the dead; and doth, when hurried from the

actions

actions of Vitality, by a violent death, as endeavoring to revenge its wrongs, flie in the face of the Murtherer; and though in such minute parts as are too subtil for the observations of Sense, keeps still hovering about him: And when he is brought to touch the murthered body which was its former habitation, by the motion of Sympathy calls from those salliports of life, some of those parts of her life which yet remains within it, who that they may flow forth to meet it, are conveyed in the Vehiculum of the Blood. They illustrate this by Dogs, and several other Animals, which with a violent impetuosity assail those that make a custome of murthering things of the same Species.

There having been nothing discoverable by this experiment, he is returned back to the Prison, and the Jury (though but with little hopes of satisfaction) continue their Inquest; when now, to the amazing wonder of future Ages, and the farther confirmation of those continued miracles by which the All-discerning power of the eternal and everliving God pleases often to manifest it self in the discovery of black and secret murthers, which though acted in the silent region of the night, and plotted with all the deep obscurity that Hell and the black Spirits of eternal darkness can lend to the assistance of such dismal and horrid designs, yet are disvelloped by wayes so unthought of, even by those which torture their wits for discovery. That man, though adorned with all the knowledge, the worlds first transgressors ravish'd from the forbidden Tree, instead of an Angel illuminated Paradice, findes his fancy clouded in a Chaos of confusion, black and obscure as that, which ere penetrated by Heavens segregating breath, spreads its gloomy curtains over the first unform'd matter.

Several

Several queſtions are propounded amongſt all by the Fore-man of the Jury, one which (though not to the diſparagement of the Gentleman) ſucceeding Ages will count more fortunate then wiſe; it was this, That all the Gunſmiths ſhops in *London*, and the adjacent Places, ſhould be examined what Guns they had either ſold or lent that day; this being a queſtion in the apprehenſion of moſt of the Jury, ſo near approaching to an impoſſibility, as not without much difficulty to be done; one Mr *Holloway* a Gunſmith living in the *Strand*, then one of the Jury, makes anſwer, It was a task in his opinion, who knew how numerous men of that profeſſion were in and about the City, not to be done; withal replying, that for his own part he lent one, and made no queſtion but ſeveral others had done the like; this anſwer of his being by the apprehenſive Foreman ſpeedily took notice of, he is demanded for the ſatisfaction of the reſt of the Jury, to declare to whom he lent the gun; he after ſome ſmall recollection, anſwers, To one Mr *Thomſon*, living in *Long-Acre*, formerly a Major in the Kings Army, and now married to a daughter of Sir *James Aſtons*. Upon this a ſpeedy ſearch is made after Major *Thomſon*, who being abroad, as ſome ſay fled, though moſt moderate men conceive about his ordinary occaſions, it being unlikely any man would diſcover a guilt by flight, which (if culpable of) though by all charitable people the contrary is generally hoped, he might rationally expect more ſecurity in a confident ſtay, then in a betraying abſence; beſides, being of no former acquaintance with Mr *Fuſſel*, there was no probable cauſe to render him ſuſpected.

But with our charitable prayers for his freedom, referring;

ferring our censures either of his innocence, or guilt to his further trial at the next Sessions, we will return to our Relation.

Major *Thomson* not being found, his Wife is took in hold, who though clearing her self from the knowledge of any such thing as the borrowing of the Gun, yet is continued a prisoner, till her Husband shall be produced; who being then about some urgent occasions in the Countrey, on the first news of her confinement, suddenly hastens to *London*, where being examined before a Justice of Peace, he confesses he borrowed a Carbine that day of Mr. *Holloway*, and that he borrowed it at the desire of Mr. *George Strangwayes*, who acquainted him with no farther use he intended to make of it, then for the killing of a Deer: For which use he charged it with a lease of Bullets, and as some say a Slug, which I believe not, there being, but two Orifices where they entered his Head, and one Bullet sticking in the Window.

If any object two Bullets may enter at one Orifice, though it be something unlikely, we will not stand to dispute it, the number not being so uncertain, as their fatal Errand was certainly performed.

Being thus charged and prim'd, between the hours of Seven and eight at night, he meets Mr. *Strangwayes* in St. *Clements* Churchyard, to whom he delivers the Gun; where he spent that interval of time, between the reception of it, and the execution of the Murther, is uncertain, he having left in that kinde no satisfying Relation; it is most like traversing the streets near the place, that so he might take advantage of the faireſt opportunity, which now unluckily offers it self.

Mr. *Fussell* in the manner as is declared before, was retired

tired into his chamber, he that shot the Gun, as some report, stood on a Bulk belonging to a Pewterer living over-right Mr *Fussel*'s Lodging; but it is something unlikely, the Bulk being of such a shelving form, as not to admit a firm standing place, unless he stood on that end of it next to *Temple-Bar*, which if so, the scituation of the window would have enforced him to shoot much sloping; wherefore I rather conceive, (which hath been to some confirmed by Major *Strangways* his own confession) that he which shot stood on the ground, which hath the most probable appearance of truth, the window not being so high as to impede his aim, nor the distance so great for the shot to lose its force, though the Carlipe is but short wanting some inches of a yard in the barrel, as is affirmed by young Mr *Fussel* in whose hands it now is.

To give you a certain relation who fir'd the Gun, is that which I believe no man living can do, except there be (which I hope not) some such unhappy person yet alive, Mr *Strangwayes* carrying that great secret with him to his grave, denying to reveal it at the Sessions here, as reserving it for the general Assise hereafter: but joyning with the common opinion of most men, I think it to be himself, knowing him to be a person, that through the whole course of his life, in those actions that deserved the name of discreet, shewed too great a want of that, in this where a wicked subtilty was as requisite, as ever in his former actions a noble policy had been, to commit his life, which lay exposed to the danger of every engagers discovery, into the hands of many, in the performing an Act which might with more facility be done by one. When he had fired it, the streets were so

empty,

empty; that he passed unnoted by any. Between the hours of ten and eleven he brought back the Gun to Major *Thomsons* house, where leaving it he retires to his lodging, where, in his absence he had left one to personate him: that piece of policy being thus perform'd, he comes (according to his usual custom) into his lodging about seven in the evening, and going up into his chamber made some small stay there, from whence taking the advantage of a time in which he found the imployments of the houshold such as not to have the leasure to take much notice of his actions, he secretly conveys himself down the stairs, and having a private way of opening the door, conveys himself out, and his disguised friend in, who, by those of the Family being oft heard walking about the Chamber, occasions that mistaken deposition of theirs concerning his being in the house.

Having now concluded that Act of darkness he went about, he is once more returned to his lodging, and secretly discharges his disguised Friend; hasting to bed, he lay there (though in all probability with no very quiet nights rest) till three in the morning, at which time the Officers sent to apprehend him enter the house, and hasting to his Chamber, make known their dreadful errand, an Act enough to have frighted a timerous soul to a present confession; but he, with a resolved constancy slights those terrors of the Law, and without any such reluctancy as argued the least depression of spirit, goes with them before Justice *Blake*, by whom (though carefully examined) there was nothing discoverable that could render him any wayes suspected, more then the former enmity betwixt them; however, he is on suspition committed to *Newgate*, where remaining with a countenance

tenance that appeared no wayes clouded with guilt, he continued constant in the denial of the Fact. In the interval between the time he was first committed, and his confession, he fell violently ill of a sharp and dangerous Plurisie; in which acute distemper, though summon'd by the approaches of death, he continued in a resolute denial of the Fact; but God whose Judgements here in this, appeared but the road to his mercies hereafter, freed him from that less ignominious death, that dying by the formalities of Law, the burthening of his body might in confession disburthen his soul. This was the time in which some of the Church of *Rome*, and those of the more learned sort of their Clergy, gave him frequent visits, and (as they have caused it to be reported) converted him to their Church: what of truth there is in this, with what the opinion generally received is, you shall hear toward the conclusion of our Story.

On the Monday following the time of his being apprehended, being the One and twentieth of *February*, Major *Thomson*, to hasten the enlargment of his imprisoned Wife, being return'd to *London*, makes a full discovery before an Officer on what occasion he borrowed the Gun, and in what manner, and at what time he delivered it to Mr *Strangwayes* in St *Clements*-Churchyard; who on this happy discovery is brought before Justice *La Wright*, he that took the examination of Mr *Thomson*. Here it being demanded of him, on what occasion he caused the Gun to be borrowed, and brought to him charged at that time of the night, with such other questions as most immediately concern'd the business in hand; and withal seeing Major *Thomson* there, whose discovery he had so little cause to doubt;

that now seeing it performed, and not being able to apprehend the manner how, he in an amaz'd terror, after some minutes of a deep and considerate silence, in a most pathetical manner, acknowledging the immediate hand of God to be in this wonderfull detection, he no longer vails his guilt with confident denials, but in an humble and submissive lowlines of spirit, such as rather strove with the tears of a penitential *Magdalen* to expunge the Rubrick Characters of his guilt, then with the brazen impudence of a despairing *Cain*, by a sullen and surly denial to flie the mercies of that God, whose vengeance will pursue him: He hath now confest the Fact, he stands now a contrite Penitent, with the excellent *Seneca* acknowledging, that

Maxima peccantium pœna est peccasse.
Epist. 97.

Yet though a convicted Murtherer, he is the compassionated object of all the beholders, whose heads he now makes fountains of tears, by having so lately made his brother's a fountain of blood.

This dolefull Scean, with the pity of most, but the wonder of all, being thus past over, he is now returned again a much lamented Prisoner to *Newgate*, from whence *February* the Four and twentieth he was brought to his Trial at the Sessions-house in the *Old-Bailey*, where appearing with a countenance that carried in it a mixture of courage and contrition, being such as rather seemed dejected for offending the Law of God, then any wayes terrified for any tor-

torments that could be inflicted upon him by the Laws of man: Being demanded to plead, he answers, That if it might on his being tried, be admitted to him to die by that manner of death by which his brother fell, he would plead; if not, by refusing to plead, both preserve an estate to bestow on such Friends for whom he had most affection, and withall free himself from the ignominious death of a publick Gibbet.

Many Arguments (and those urgent and pressing) were used by the Lord Chief Justice *Glyn*, and the rest of the Bench, to induce him to plead, as laying before him the sin he committed in refusing to submit to the ordinary course of Law, the terror of the death his obstinate silence would inforce them to inflict upon him.

These with many other Motives were used, but all invalid, he remains impenetrable, refusing either to plead, or to discover who it was that fired the Gun; onely affirms, (which he continued till his death) That whoever fired it, it was done by his directions, but with no intent to be the death of his Brother-in-law, but onely (as he was pleased to say) to let him know, That a life made odious by so many pressing acts of unjustice as he had received from him, though by their politick contrivance defended from any punishment the Law could inflict, yet was not safe, where the person offended hath spirit enough to revenge an injury.

This (not to be justified resolution) cherished a long time by his hot & haughy spirit, had often on the sight of Mr. *Russell*, raised in him impetuous storms of rage; such

that

that often broke out into that intemperance, as both by word and Letter, he several times challenges him; And in consideration of his being something more impaired by age then himself, offers him what oddes in length of weapon he could with Reason and Honor demand. This encountring nought but a silent and slighting repulse, he one day meeting him in *Westminster-Hall*, accosts him with this complement.

Brother Fussell, *it argues not discretion in us of either side, we being both Cavaliers, to submit our Causes to this present course of Law, where the most of our Judges are such as were formerly our enemies:* Calice Sands *were a fitter place for our dispute then* Westminster-Hall.

These affronts finding a man too subtile to seek any other revenge, then what lay safe under the sure guard of the Law; he rather seeks from thence to do him a certain mischief, then by the uncertain managing of a Duel, to run the hazard of being mischieved himself: So that he not onely refused that way of deciding the quarrel, but indites his Brother *Strangways* as a challenger; which adding more fewel to his former conceived rage, puts him upon this dangerous way of satisfying his vindictive passion. And though he by a constant asseveration affirms, that the firing of the Gun was onely intended to terrifie him, he affirming, That had not the hand of him who fired it, fell lower then was intended, it had been impossible for the bullets to have so unhappily hit the mark; yet its being charged with three bullets, whereas small shot (if onely intended to affright) would have been a more certain terror with less hazard of danger, is an argument

argûment so prevalent with most men, that the action carries no fairer a face then a horrid and wilful Murther.

But not to ingulf too far in censuring the act, we hasten to declare (as far as concerns our business in hand) the demeanor of the actor, who persisting on his first resolution not to plead, hears from the offended Court this dreadful Sentence.

THat the Prisoner be sent to the place from whence he came; and that he be put into a mean House stopped from any Light; and that he be laid upon his Back, with his Body bare, saving something to cover his Privy parts: That his Arms shall be stretched forth with a Cord, the one to one side of the Prison, the other to the other side of the Prison; and in like manner shall his Legs be used: And that upon his Body shall be laid as much Iron and Stone as he can bear, and more; And the first day shall he have Three Morsels of Barley Bread, and the next day shall

shall be drink thrice of the Water in the next Channel to the Prison Door, but no Spring or Fountain Water: And this shall be his punishment till he die.

This Thunderbolt of Judgment level'd at his life, he yet with a Passive Valor (high as ever was his Active) with a constancy which might cast a blush on the ghost of an antient Roman Herse, but continues his resolution; and being returned to the prison, from thence writes this sad Letter to his Brother-in-law Major *Dewie*, a Member of Parliament, and a Gentleman that had married another of his Sisters.

Dear

Dear Brother,

I Hope these lines, and pressing death, will so far expiate my crime, as to procure your and my other friends forgiveness, for my conscience beares me witness, I was provoked by many of my Brother-in-lawes insufferable wrongs. After divers parleys, finding his inveterate spleen so implacable, as to endict and informe against me at the open Bench, my flesh and blood held no longer patience, but sought to usurpe the revengeful Attribute which God appropriates to himself; when he would not answer me in single Combate, though I offered him advantage in length of weapon; yet this I will assure you, that I did not intend his death, but by the discharging of a warning piece to have only terrified his heart from practising litigious Sutes, and thereby to let him know that he was at another mans mercy if he contemned the same.

In a word, each man oweth a death, I two by this untimely fact: The one to my maker, the other to the Law, which invokes to pay the one the more willingly, being confident that the other is cancelled, by the All-seeing eye of divine Mercy and Justice; These in short are the last words of

From the Presse-yard in Newgate, 23. February, 1658.

Your dying bother,

George Strangwayes.

This, being one of the last Scenes he was to act on the stage of mortallity, he now retires by Divine Contemplation to dresse his soul in those robes of Repentance wherewith she was suddenly to meet her Celestial Bride-

groom; in which pious action he hath the freequent assistance of Divines, some of excellent abilities, as Dr. *Wilde*, and Dr. *Warmstrey*; there was also with him Mr. *Jenkins*, Mr. *Watson*, and Mr. *Norton*, to all of which by a Repentant Acknowledgement of the fowleness of his Crime, by a detestation of all those thoughts that had formerly fomented his malice, and by a solemn, and serious invocation of his Redeemer, for the increasing of those rayes of mercy, which (even in that dark and dismall Agony the apprehension of guilt might have plunged her into) he yet found irradiate the darkest apprehensions of a soul clouded with sinne and sorrow.

To some whose zeal (if meriting the name) was more in that act then their discretion, when with the harsh, and unseasonable rigid means of the Law they appeared rather as if they came to fright his soul into a distracting dispair, then to fortifie her with comforts fit to undergoe so sad a conflict, he desiring them to proceed no further in so unseasonable a discourse, with an exalted height of Christian confidence affirming, that through the powerful operation of mercy, whose restoratives he felt even in the grasp of death, he doubted not but his scarlet sins were washt white as wool. And that (though through the red sea of his Brothers bloud) he should safely arive at the *Celestial Canaan*. Thus spending that narrow stock of time, alowed him for the levelling his accounts with heaven, as if his soul, which before travelled with a Snail-like slowness towards her Celestial home, were now in her full carier, the fatal day arives. On Munday the last of *January* about eleven of the clock in the morning, the Sheriffs of *London* accompanied with divers

divers Officers came to the Presse-yard, where after a short time of stay, Major *Strangewayes* was guarded down. He was cloathed all in white; wastcoat, stockings, drawers, and cap, over which was cast a long mourning Cloak; a dress that handsomely emblem'd the condition he was then in, who though his soul wore a sable roab of mourning for her former sins, it was now become her upper garment, and in some few minutes being cast off, would discover the immaculate dress of mercy which was under it.

From hence is he guarded to the Dungeon, the sad and dismall place of execution, being accompanyed by some few of his friends, amongst which was the reverend Dr. *Warmsley*, whose pious care, intended now to be near as inseperable to him as life it self; having askt the Executioner for a place to kneel in, and being answered, that there was none of more conveniency then the bottom of the Dungeon; well said he, this place must then serve him, who is forced immaturely to fall, for there can be no greater vanity in the world, then to esteem the world which regardeth no man, and to make slight account of God who greatly respecteth all men, for only, Gentlemen, let me tell you, had I serv'd my God as faithfully as I served my Lord and Master my King, I had never come to this untimely end; but blessed be God for all, I shall willingly submit and earnestly implore your prayers for the carrying me through this great work. Then turning to Dr. *Warmsley*, he said, Sir, will you be pleased to assist me with your prayers. *Doctor*, Yes Major, I come to officiate that Christian work, and the Lord strengthen your faith, and give you confidence and assurance in the merits of Jesus Christ.

After they had spent some short time in prayer, Dr. *Warmsley* taking him aside had with him some small time of private conference concerning the clear demonstration of the faith he dyed in, and about receiving the Sacrament, they appeared something to differ in opinion, which renders the world much unsatisfied, as, in point of Religion, whether he dyed a Protestant or not; Those of the Church of *Rome* affirming that whilst he lay sick of his Plurisie, he was visited by seveal *Catholicks* that are in Orders, some of whose names I have heard, and that they proved so prevalent with him, that they had wrought him to an absolute Conversion, and that they were confident, though he had not long lived so, in that Faith he dyed; whether this be true I leave every Judicious Reader to judge by the succeeding circumstance, when he had left off his conference with Dr. *Warmsley*, in which he desired him not to presse at that unseasonable time matters of Controversie, it being a matter full of danger to disturbe that calm the soul ought to wear when she comes to encounter death. And then applying himself to the Company in general, with a voice something more elevated then ordinary, speaks these words.

For my Religion (I thank my God) I never had thought in my heart to doubt it, I die in the Christian Religion (but never mentioned the Protestant) and am assured of my interest in Christ Jesus, by whose merits I question not but my soul shall ere long triumph over these present afflictions in eternity of glory, being reconciled to the mercies of my God through my Saviour Jesus Christ, into whose bosome I hope to be gathered, there to injoy that eternal, infinite and boundless happi-

ness

neſs wherewith he rewards all the Elect; So the Lord bleſs you all, bleſs you in this World, till he brings you to a World ever bleſſed, And bleſs me in this laſt and dreadfull tyall: So let us allpray; Jeſus, Jeſus have mercy on me.

Having ſayd this, he takes his ſolemn and laſt leave of all his lamenting Friends, And now prepares for that dreadful Aſſault of Death he was ſpeedily to encounter; his Friends plac'd themſelves at the corners of the Preſs, whom he deſir'd when he gave the words, to lay on the Weights, his Hands and Legs are extended, in which Action he cries out, Thus were the ſacred Limbs of my ever bleſſed Saviour, ſtretch forth on the Croſs, when ſuffering to free the Sin-poluted World from an eternall Curſe. Then crying forth with a clear and ſprightfull Voyce (Lord Jeſus receive my Soule) which was the promis'd Signall, thoſe ſad Aſſiſtants performe their dreadfull Task. And laid on at firſt-Weight, which finding too light for a ſuddain Execution, many of thoſe ſtanding by, added their Burthens to disburthen him of his pain, which notwithſtanding for the time of its continuance, as it was to him a dreadfull Sufferance, ſo was it to them a horrid Spectacle, his dying Groans filling the uncouth Dungeon with the Voyce of Terrour, but this diſmall Scene ſoon finds a quiet Cataſtrophe, for in the ſpace of eight or ten Minutes at the moſt, his unfetterd Soul left her tortur'd Manſion, And he from that violent Paroxiſme falls into the quiet ſleep of Death.

His Body having lain ſome time in the Preſs, he was brought forth, in which Action, ere Coffin'd, it was ſo much expoſed to the publick view, that many Standers by beheld the Bruiſe made by the Preſs, whoſe triangular

Form, being plac'd with the Acute Angle about the Region of the Heart, did soon deprive that Fountaine of Life of its necessary Motion, though he was prohibited that usuall Favour in that kind, to have a sharp piece of Timber layed under his Back, to Accellerate its penetration. The Body appear'd void of all Scars, and not deformed with blood, but where the Eminencies of the Press toucht on the middle parts of the Breast; And upper of the belly, his Face was bloody, but as it appeard to the most inquisitive Spectators, not from any external Injury, but the violent forcing of the blood from the larger Vessels into the Veins of the Nose and Eyes, whose smaller Branches forc'd open by so suddain a Compression, as if they mournd in the colour of his Crime, had their last tears composed of blood. And now committed to that sable Cabinet his Coffin, he is in a Cart that attended at the Prison Door, conveyed to *Christ-church*, where his Ashes shall sleep, till Time her self be dissolved to Eternity. And as it is our Christian duty to hope hath made good in every part this excellent saying of an ancient Philosophicall Poet,

Cedit item retro, de terra quod fuit ante,
In terram, & quod missum est ex ætheris oris
Id rursum Cæli fulgentia templa receptant.

Lucretius Lib. 4.

Thus

THus did they leave the busie World, the One
So swiftly from all mortall trouble gone;
As if his Soul practis'd at first to fly
With the light Motions of Eternity:
Gone with such silence, As his hasty Breath
By a few Groans disdain'd to parl with Death:
Which fatall swiftness did the other lead,
A sad slow rode to th' Grave; his Soul to read
Repentant Lectures, being taught before;
It in a storm of Tortures did pass o're
The rubrick Sea of Life, whose high-swoln Flood
Passions hot Dictates doubly dy'd in Blood.
When scarce this Nation e're saw Son of hers
That wrote Revenge in such red Characters,
Can she but mourn, her Off spring should inherit,
With *English* Valour an *Italian* Spirit?
Such as is, by a hot intemp'rate Rage,
Become the Shame, and Wonder of the Age.
No, let Her mourn; the sad Expression runs
In the same strain with what her true-born Sons
Dis-robe their thoughts in; But me-thinks I hear
A Sort whose separation would appear,
As if refin'd with purer Flames of Zeal,
Then other Christians are; by no Apeal
Made to the Throne of Mercy to be won,
From harshly Censurings: but such Acts being done
By men, whose different Judgments not embrace
Their Tenents in the whole, defects of Grace,
Not humane Lapses. But take heed thy proud
And Pharasaick Heart speak not too loud,
Where Heaven commands a silence. Since none knows
To what mysterious Destiny he owes,

A Debt

A Debt to Nature, in whose gloomy Cell
Lifes fairest Transcripts have too often fell,
By sad untimely Deaths. Then with the Free
And Christian Candor of white Charitie,
Forbear to cast thy sable Censure on
This sanguine Guilt; And since that both are gone
Beyond the Verge of mortall knowledge, let
Not thy harsh Censure aggravate the Debt,
Which (if they Nature's Common Laws obey)
Just Sorrow teaches all their Friends to pay.

FINIS.

TREA